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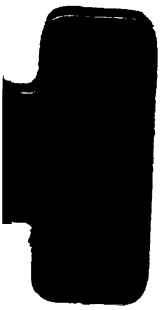

THE MERITS OF THE WHIGS.

THE

MERITS OF THE WHIGS;

OR,

A Warning to the People of England;

DRAWN FROM

THE EVIDENCE TAKEN BEFORE THE COMMITTEE OF THE HOUSE OF LORDS WHICH SAT LAST SESSION,

TO INQUIRE INTO

THE STATE OF IRELAND AS RESPECTS CRIME.

Ex uno disce omnes.

BY

A MEMBER OF THE HOUSE OF COMMONS.

LONDON:

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THE MERITS OF THE WHIGS,

&c. &c.

As it is very certain that the British public have at present no idea of the important matter contained in the Report of the Committee of the House of Lords, which sat last session to inquire into the State of Ireland with respect to Crime; and as that Report is so voluminous, embodied in so inconvenient a form, and encumbered with so much extraneous matter, as to render it impossible that it should receive that minute attention on the part of general readers which it deserves; we think it may not be altogether unacceptable to those, in whom is vested, in reality, if not the sole, at least an overwhelming preponderance of power in the State, to bring that Report before them in a more concise and tangible form.

And this appears to us to be more called for in the present posture of affairs, since the noble Lord whose system of misgovernment in Ireland is there so completely exposed, and even in some measure confessed by his own partisans, is now,

by a strange and unprecedented consequence, placed in the still more important and responsible position of Secretary of State for the Home Department. It is far from the object of the Author of this pamphlet to reflect in the slightest degree upon the motives of that noble personage. Any thing uncourteous or personal is altogether foreign from our wishes or intentions; and, even if such were not the case, we should still require the most incontrovertible evidence before we should feel authorized in undertaking the disagreeable and invidious task of impugning the integrity even of an opponent. But, however we may feel ourselves withheld by motives of courtesy or forbearance from pursuing such a course, we are in a manner compelled, by the duty we owe to our country, both in a public and private capacity, to condemn in the most unmeasured terms the system of *mis*government which he chose to follow; and to expose, as far as in us lies, a specimen of unsound judgment and political inability, so gross and palpable, as we are sure it would be difficult to parallel even in the most unfortunate periods of our history. We doubt not, that as we unfold the various reasons, and relate the important facts, which have induced us to form this deliberate opinion, we shall be borne out by the calm judgment of our impartial readers.

There are various subjects touched upon in the inquiry before us, which will require in some de-

gree separate consideration; for, although intimately connected together in many respects, and equally affecting the welfare of the country, still there are some points of view in which it will be a more clear and simple course to examine them one by one.

It may then be premised, that the first object of the Committee whose Report we have before us was to ascertain by satisfactory evidence, the existence or non-existence of the Riband conspiracy, which up to that time had been denied on all occasions by the highest officers of the Government when pressed upon the point in Parliament; and secondly, if that conspiracy existed, to discover what were its objects, what were likely to be its results, what the state of its organization, and what were the most probable means by which it could be suppressed. There was, however, another object in view in the formation of that committee; of a more invidious nature, perhaps, as far as the members of the Government were personally concerned, but, if possible, of still greater general importance to the nation; namely, an inquiry into the administration of justice during the period which elapsed from the year 1835 to the time of the appointment of the Committee, being in point of fact the period during which Lord Normanby was invested with the vice-regal authority. These are the two leading topics upon which the various witnesses were examined: but there is at the same

time much incidental information elicited in the course of the inquiry, connected, indeed, only collaterally with its main objects; but which, as they are calculated most materially to open the eyes of our fellow-countrymen on this side of the Channel to the real state of things in Ireland, as well as to the various causes, and real authors of that state of things, are by no means unworthy of the most serious consideration.

First, then, as to the existence of Ribandism.

It is almost unnecessary to dilate upon this point; since the existence, and that to an alarming extent, of secret societies, bound together by signs and pass-words, by means of which their members are mutually and favourably known to one another, in the remotest extremities of the country, is now confessed, not only by Lord Normanby himself, but very generally by most of the officers under him, who, from the nature of their duties, would naturally be brought into contact with them. We shall, therefore, only refer to a few of the numerous testimonies which have been given to these facts.

Colonel Kennedy, a gentleman who held for two years the important post of Inspector-general of Police, who assumed that office at the first formation of the corps, and by the particular request of the Government, and who retired at the end of that period, on account of the undue interference, as he considered it, of the Lord-lieutenant with the

promotion in the corps which had been placed under his command, and for whose efficiency he was mainly responsible, states: "I think there are secret societies all over Ireland."* Again, Major Warburton, who succeeded Colonel Kennedy in the office of Inspector-general, and who had served under that officer during the time he held it, states that he has been aware of the existence of "*this conspiracy* for a considerable time," that "it prevails very extensively," and that he recollects *Constabulary Reports* being sent in to him respecting it, from the counties of Sligo, Westmeath, Meath, Armagh, Dublin (city and county), Galway, Wicklow, Tipperary, &c.† Again, Mr. H. W. Rowan, a resident stipendiary Magistrate for many years in different counties, states: that not only do such societies exist, but that they are "governed by a central society, or what they call the Chief Riband Board." That that Central Society, though not as yet discovered by the authorities, is supposed by his informers to be in Dublin, and has lately assumed a new name, "The Religious Liberty Society;" that the country societies are "mere affiliations," receiving directions from the governing Board in Dublin; and that these have increased "very much" of late years.‡ Again, Mr. W. Faussett, a Justice of the Peace for the county of Sligo, gives in, among numerous other

* Vide Q. 334. † Vide Q. 615, 6; 627, 8, 9; 630, 1.
‡ Vide Q. 1,685, 6, 7, 8, 9.

papers connected with these societies, a copy of an oath, seized by him in a house in the town of Sligo, where, acting upon previous information, he found a Riband Lodge actually assembled, and in deliberation. The oath speaks for itself; it is as follows:*—

"I, A. B., with the sign of the cross do declare, that I come here and promise of my own free-will and accord to join my R. C. brethren, the knights of St. Patrick or Sons of the Shamrock, in all things appertaining thereto. 2. That I will not buy or purchase any article or commodity from an O. M. B. or P., if a brother or R. C. disposes of the same articles as good and as cheap as they do. 3. That I will be ready at two hours' warning to aid and assist any true and loyal brother when they or any loyal brother calls upon me, if I am not prevented by sickness or business of distress. 4. That I will not, knowingly or willingly, provoke, challenge, or fight with any of my true and loyal brethren, if I know them to be such; and if a brother be unjustly treated or ill spoken of, I will espouse his cause, if it be just, but if a brother be in fault, I will advise and save him if possible I can do so. 5. That I will not allow any person of an ill fame or evil character into this bond of eternal trust, and that I will propagate brotherly love and friendship to all such of my acquaintances as may be thought worthy of our trust. 6. That in town and country I will give the preference of my dealings to my true and loyal brethren as reasonable as to any other, if I know them to be attached to our national interest. 7. That I will never see a brother short-taken, or in distress, for the amount of a shilling, or sixpence, a meal's meat, or a night's lodging, if possible I can relieve him. 8. That at the place of our meetings I

* Vide stat. 1, page 194, No. 9.

never will drink to intoxication, so that any person might know my mind, or for fear of disobedience, or mentioning the name of any regular member. 9. That I will never discover of any true and loyal brother, if I were hanged, beheaded, and quartered. 10. That I will never injure a true and loyal brother, his wife, sister, daughter, or mother, except in the lawful bonds of marriage. 11. That I will be true and loyal to our holy the R. C. Church, dedicated to God by St. Patrick, our holy apostle and patron of Ireland, in all things lawful, but not otherwise. 12. That I never will discover of any of my true and loyal brethren or of any of my commandant's names, or any one here present, except on certain or lawful occasions, if I were hanged up in chains to dry before the sun. 13. That I will attend all meetings and due proceedings when duly noticed by my true and loyal brethren, or my commanders, or thereunto pay any fine that may be struck against me. 14. That I will be ready at two hours' warning to stand till death to my true and loyal brethren or any commandant's cause, if I be not prevented by sickness or by death."

The same gentleman also gives in a document, signed by Mr. Geo. French, Crown Counsel on the Connaught Circuit, to the following effect:*

"There cannot be any doubt but an illegal association exists at present in this town and county; the evidence in the prosecution for the robbery of the tent of Patrick Connor at Bowmore, and other cases, distinctly prove it; but I fear the evidence at present is insufficient to prove a conviction. I would therefore advise letting matters remain as they are, and to keep a vigilant eye on the parties charged here and in Dublin."

The town and county here alluded to is Sligo.

* Vide part 1, page 200.

Again, Mr. W. S. Tracy, one of the Stipendiary Magistrates for the county of Limerick, states, in allusion to an interview between himself and Mr. Drummond, Under-secretary to the Lord-lieutenant, which took place in 1836, that that gentleman did not then appear to doubt the existence of Ribandism, or that it was "*a Political Conspiracy.*"*

Again, Major Brown, Commissioner of Police in Dublin, dilates much upon the extent and objects of the societies, to which, he states, he began to turn his attention a year and a half ago, "by Mr. Drummond's direction."†

Again, Mr. John Hatton, Chief Constable.‡

Captain George Despard, Stipendiary Magistrate.§

Mr. Kelly, J. P. of the county of Westmeath.‖

Mr. J. Uniacke, ditto.¶

Mr. W. Kemmis, Crown Solicitor for the Leinster Circuit.**

P. Geale, Esq. ditto for the Home Circuit.††

M. Hamilton, Esq. ditto for the North-East Circuit of Ulster.‡‡

Mr. J. Dudgeon, partner with Mr. Hickman, Crown Solicitor for the Connaught Circuit.§§

* Vide Q. 4415, 6, 7, 8.
† Vide Q. 5032.
‡ Vide Q. 2841, 4, 5, 6, 7.
§ Vide Q. 3212, 3, 4, 5, 6.
‖ Vide Q. 6298, &c.
¶ Vide Q. 6456, &c.
** Vide Q. 6771, 2, 3.
†† Vide Q. 8657.
‡‡ Vide Q. 9032, 3, 4, 5, and 9044, 5.
§§ Vide Q. 11,479, and 11,525. Part 3.

All gentlemen appointed by Lord Normanby, or his predecessors, and all holding offices in immediate connexion with the state of crime, and with the administration of justice, unite, each speaking of their respective districts, in asserting, upon their oaths, the existence of a most extensive and organized system of Ribandism. And, lest all these should not be sufficient, we have afterwards Mr. Drummond himself avowing his full conviction of the same facts. And it is worthy of remark, that, although Lord Normanby, when pressed upon the subject by Lord Roden, in the House of Lords, in the Session of 1838, is reported to have answered, "that such a thing as an extensive conspiracy exists, I utterly deny," Mr. Drummond, who at that very time was his own Under-secretary, now gives, in his evidence, distinct cases of Ribandism, which (so runs the question answered in the affirmative) had been "*brought under the notice of Lord Normanby's government*," to the number of *nine* before that time, one of which was so far back as the year 1835, and to the number of *forty-five* up to the time of his examination before the Committee. So much for the *existence* of this dangerous system;* and by such evidence has it been demonstrated, in the teeth of the bold and reckless assertions so often made to the contrary by the partisans and tools of Mr. O'Connell in both Houses of Parliament. We shall now pro-

* Vide Q. from 13,252 to 13,316.

ceed to show from the same source what are the *nature* and *objects* of these societies.

The characteristic which strikes the observer most forcibly at first sight, and which, even in spite of every prepossession to the contrary, would carry with it an inherent evidence of danger and mischief, is the impenetrable secresy maintained in their formation and in all their proceedings. Boldness and candour are stamped in legible characters upon the brow of conscious innocence. Caution and mystery apply only to the coward or the villain, and afford therefore, especially when exhibited in high relief, a presumptive evidence of guilt.

The chief clause in the oath administered by Ribandmen to the newly initiated is, to the effect that they should never betray one another,* that they should never disclose any of the proceedings at their meetings,† always deny when questioned that they belong to the society, and this under the penalty of death,‡ or to use the emphatic words of the oath above quoted, "I will never discover of any true and loyal brother, if I were hanged, beheaded, and quartered." The greatest care and caution is observed in the choice of the candidates for admission. None are accepted who, from drunken habits, or from any other cause, would be likely, in unguarded moments,

* Vide Q. 344, 6, 7. † Vide Q. 768, 9. ‡ Vide Q. 1,965.

to betray the most immaterial item of their mystic rites.* The most dreadful imprecations are called down upon the heads of the faithless; and although numerous forms of oaths have been discovered, differing materially in other respects, they all invariably lay the same stress upon this portentous article; at once the most imposing, the safest, and the most mischievous engine of artful cunning, the most effectual bar to personal liberty, and the most plausible ally of despotic power. The veil of silence and secresy drawn over their machinations, is for ever watched by the anxious scrutiny of each man over his fellow. It not only serves to baffle the authorities, and ensure impunity to crime, but it acts as a sort of bait to the ignorance and curiosity of the uninitiated, who imagine a fancied alliance between the unknown and the delightful, to attract them to the alluring vortex, from which, when once in, they never emerge; for none are allowed to retrace their steps,† without becoming the speedy victims, in their own persons to the bullet and dagger of the assassin, and in their families to the firebrand of the incendiary, and the still more painful and lingering martyrdom of proscription. A secresy of this species, and carried to the extent that it is in these alarming and mysterious confederations, is to our mind, even in the absence of other causes for apprehension, not only a pos-

* Vide Q. 2,038. † Vide page 150.

sible source of future danger, but a sure and irrefragable evidence of present guilt.

In spite, however, of all the ingenious precautions made use of to involve the existence of these associations in obscurity, it appears that they have very generally been traced throughout the country. They have been discovered, in spite of all obstacles, by the active energy of numerous individuals holding responsible situations, not only to have existed for many years, but to be rapidly gaining strength in numbers, and, worse still, in organization.* They have delegates, committee-men, and several other officers, whose duties and connection have not been so clearly ascertained. They have even succeeded in getting some of their members enrolled in the constabulary force,† and so anxious are they to effect this, that it is in their rules and regulations declared to be the only reason admitted to be of sufficient weight to warrant the retirement of a person once initiated into the society. It appears that they are mutually known to one another by signs and passwords, and that if one of these by any accident becomes known to a government agent it is at once changed, not only in the local district where the discovery is made, but to the remotest corner of Ireland, within a few weeks.‡

* Vide Q. 652, 3, 4; 9,065.

† Vide Q. 2,042, 3; 2,060; 2,994; 4,076; 11,651.

‡ Vide 1,731; 5,127.

No Protestant, nor any person connected in the remotest degree with a Protestant, can be admitted into their fellowship, and before a candidate is proposed, the most minute inquiry is made upon this head.* Surely with these facts, stated by men of the highest respectability, the most complete information, and the most lengthened experience, it is nothing short of insanity to treat with negligence and contempt, as the Irish Government have hitherto done, and would feign have continued to do, so wide-spread and well-arranged a system; which, even if there were no sinister objects at present proved against it, would still deserve the most active measures on the part of the guardians of the public peace, as inconsistent with the institutions of liberty, and liable at any moment to be converted to the personal ends of private ambition.

But the case before us is not one which is even at present harmless. These societies are distinctly proved—not to be innocent! not to be ridiculous! Far from being framed only for conviviality, or for charitable and brotherly friendship, or for the promotion of any local object of a known tendency, or for education, or for improvement, or even for a temperate assertion of the rights of freemen; they are proved to have been conceived by ingenious intrigue and restless ambition, brought forth in bigotry and superstition, and nurtured in

* Vide Q. 661, 2.

sedition and in all the darkest crimes that can disgrace humanity.

What are the objects that are distinctly enumerated in the important evidence before us, and which are at this moment rapidly enforced upon each of its members? To obey, even as far as murder and assassination, the orders they receive from persons of whose very names they are often ignorant.* To give evidence for each other, even to perjury, in the event of trial.† To be continually in a condition, which shall render a general and simultaneous movement, not only practicable, but easy, from Cork to Belfast, from Dublin to Connemara, at *two hours'* warning.‡ To oppose the execution of the law, whenever it clashes with their slightest wish, or is hostile to their most desperate designs.§ To obtain arms by any acts of burglary and rapine.‖ To prevent the exercise of the rights of property in all cases that militate against their individual interests.¶ To intimidate juries, and thus to warp the due administration of justice.** To subvert the Protestant religion, and drown it in the blood of its votaries.†† To dismember the empire.‡‡ And lastly, to insure impunity to themselves, and slavery and

* Vide Q. 622; 1,064; 1,101, 2, 7; 1,732.
† Vide Q. 626; 709, 10, 11, 12, &c.
‡ Vide Q. 4,067, 8; 6,343.
§ Vide Q. 6,340; 7,271.
‖ Vide Q. 9,458.
¶ Vide Q. 6,300, 1, 2, 3.
** Vide Q. 11,645.
†† Vide Q. 1,725; 3,354; 9,234; 10,238.
‡‡ Vide Q. 1,120; 1,729; 2,860, 1, 2; 9,033.

death to all the friends of order and good government.*

These, as may be seen by any who will take the trouble to refer to the evidence as quoted in the notes, are no mere vain assertions, but are distinctly demonstrated to be the unrighteous objects of these normal schools of sedition. The proscriptions of the triumvirs were to gratify the private malice of three persons, and moreover, their authors being known, and holding the highest rank in the State, some faint hope was thus afforded that decency and humanity would not be flagrantly outraged. But here, each member of an extended confederation, composed we know not of how many thousand members, whose names are carefully concealed, chosen from the lowest orders of society, whose hearts are insensible to pity, who are ignorant of the commonest rules of justice, and whose prejudices forbid remorse, have by a silent conspiracy, individually assumed the power of invading the rights, confiscating the possessions, and forfeiting the lives of their peaceful and unoffending fellow-subjects. This is the nature of the volcano over which we are carelessly slumbering—this is the poisonous pool, which, stagnant now, exhales the putrid fumes of agitation from its scum—this is the stream, silent and deep, which is to swallow up the many brawling torrents and bubbling fountains of popular

* Vide Q. 1,121; 1,711; 1,874, 5, and page 1,122.

discontent, more clamorous than mischievous, which, in their comparative innocence, serve to beguile the attention of the gazing fools upon the brink from the tranquil but deceitful dangers which lurk beneath the unruffled surface of the black gulf below.

It is impossible for us to compress within the limits of a pamphlet many further details upon this subject, as there are other topics in the Report which require an equal share of our attention. But we consider that we should not be efficiently performing the task we have undertaken, without bringing before the notice of our readers a few of the numerous facts adduced by these most respectable witnesses to corroborate their opinions.

Mr. Rowan, for instance, to whose important evidence we have before had occasion to refer, states, in answer to the following questions with regard to the insecurity of life in Ireland :—*

"*Q.* Can you state to the Committee any fact of which you are aware to illustrate that which is so general?—*A.* I can, and a very particular fact: there is a magistrate in the county of ——, who is very much concerned in landed transactions, being an agent for large estates; his life has been in imminent danger on various occasions, in consequence of his dispossessing persons from their holdings, and transferring the property in houses and lands (or even contemplating it) to others. I have had various communications from different Ribandmen respecting the risk that he

* Vide page 142.

was running, and the certainty of his destruction if he persevered in that course. I have been obliged to communicate that fact to him in order to his taking steps for his security, and I have been further obliged to allocate police for the purpose of watching and protecting him. With respect to that individual, I can mention a circumstance which occurred but very lately. *Q.* Can you mention the date of the occurrence?—*A.* I went recently to the county in which he resides, and was engaged in making an inquiry there respecting a dreadful murder. When I received your Lordships' summons I was at the house of this magistrate. He was obliged to go to a certain fair. I had frequently before remonstrated with him on his want of caution; notwithstanding the repeated warnings I had given him, he was advised on that occasion, and took a policeman with him in his car. He had warned a particular individual that I had formerly recommended him a police constable for an escort. It happened that something prevented that individual from going with him to the fair, and he took another constable in his stead, whom I had informed him he might confidentially employ. He went to the fair, and returned in safety to his home. The very next morning, however, I received information from a person who had frequently given it to me before, *a Ribandman*, that he had not been ten minutes in the fair when he was what he called *set*, that is to say, particular individuals watched him, and immediately selected out two others (all being members of the Riband conspiracy) for the purpose of shooting him. The reason for the projected attack not being made, and for their failing to lay in ambush for him, was the circumstance of his having by accident changed the constable arranged to protect him. The person he took with him happened to have been stationed in the neighbourhood of the conspirators; he knew them indivi-

dually; and those men immediately said, 'No, we will not make the attempt; for that man (the police constable) knows us all; he is a very desperate fellow, and we shall certainly be detected.' I informed the gentleman of this on the following day. *Q.* Was this gentleman supposed to have done very harsh things in the removal of those tenants?—*A.* So far as has fallen within my knowledge, I never knew him do a harsh thing. *Q.* Under what circumstances were those persons dispossessed of their holdings?—*A.* I can only state that generally as I have heard it from himself. They were very much in arrear of rent, and very unpleasant tenants in every respect; a number of them were served with notices to quit; and in consequence of his having had these notices served, they were determined to avenge themselves by taking his life. *Q.* They had not actually been dispossessed?—*A.* They had not, as I understand. *Q.* Had the gentleman offered to those persons any means of obtaining a livelihood in another place, in case they were removed?—*A.* I am not aware of that fact. I can mention another instance of a similar kind, with respect to a man in an inferior situation of life, which just occurs to me. Another gentleman, not resident in the same county, had given direction for the dispossessing a certain number of his tenants, from causes of which I am ignorant. I was informed by a Ribandman, that this gentleman's bailiff or under-agent would be murdered if he did not take care of himself. I had it communicated to this man that such was the fact; and within a very short time after leaving that county, I received information that a large number of persons proceeded to his house at night, and fired into it a number of shots. Some of the balls and slugs lodged in the bed in which he slept with his wife. He was well prepared, and a gallant fellow; he returned the fire, and drove the assassins off," &c. &c.

Again, Mr. Hatton, chief constable, states, that having received information that a Riband Lodge was in the habit of meeting at a certain public-house in the town of Navan, he went there, and seized certain documents, and also a person whom he found there, of the name of M'Laughlin, who, together with two other persons, of the name of Frazier, arrested at Drogheda, was afterwards brought to trial, but got off in consequence of the jury not agreeing in their verdict.* There are many curious circumstances related with regard to the behaviour of that man, which, however, we feel constrained to omit in this place, as they would run the extract to too great a length. In explaining that evidence, however, in a subsequent examination, Mr. Hatton mentions a circumstance, which, as it is a remarkable answer to those who deny the existence, or laugh at the objects of these societies, may, perhaps, be interesting to our readers.

Mr. Hatton is asked†—

"*Q.* Do you wish to explain any part of your evidence? —*A.* Yes. In one part of my evidence I referred to the meeting at Navan and Drogheda as Riband meetings. As there have been several statements abroad that those meetings were not Riband meetings, I wish to give my reasons for stating why I call it by that name. One of the prisoners, Trainer, that I brought up before the Solicitor-general, made confession, after being cautioned; in that confession he admitted that, at the meeting held in Drogheda, the Ri-

* Vide Q. 2,804 to 2,836. † Vide Q. 3,204, 5.

band signs and passwords were given him; he stated what they were, and every particular connected with the system. The same day, M'Laughlin, whom I had arrested in Navan, was examined before the Solicitor-general. The Solicitor-general was sitting at the table; and Major Warburton, as well as I recollect, and another officer belonging to the Crown Solicitor's office was also sitting; their backs were to me, and M'Laughlin was placed opposite to me. He was not giving any evidence of importance; and seeing he was humbugging, I threw him the Riband sign, to see what effect it would have upon him; he appeared very much unnerved, but immediately recovered himself, and went on. No person but M'Laughlin could have seen it. After the examination closed, the Solicitor-general asked me what I would suggest to be done with the prisoners? they had been in separate gaols before that. I said I would recommend them all to be sent to Newgate, and put in the same yard; and transmit warrants to be sent to me, that I might take them down to their respective gaols, Trim and Drogheda. On the following day I called at Newgate, brought a carriage, and took the two Trainers into the carriage, and proceeded to Drogheda. On my way, the elder, James Trainer, said to me, "Sir, it is a fortunate thing I got out of that place, for I was very near losing my life." *Q.* What place did he refer to?—*A.* Newgate. "I (Trainer) had scarcely entered the yard, when there was called out in every direction 'stag, stag, stag,' meaning informer. After a little delay, my brother and I separated from the other crowd; the prisoner M'Laughlin came up to me and my brother, where I had gone into a corner, fearing the persons would injure me, and said, 'You bloody villain, you have given Hatton the signs and passwords.' Trainer denied positively having given them to me. This was Trainer's statement in the carriage to me. He said he

had not given the signs and passwords; M'Laughlin then said, 'It must be either you or Downes, for no other person could have done so; and if I get out I will be revenged upon him. While I was under examination before the Solicitor-general to-day, Hatton threw me the Riband sign across the table; you must have given it him, or he could not have known it.' That is the reason I swear point blank; for there was no person in the room knew that I threw the Riband sign; no person could have communicated that to Trainer but M'Laughlin; and the signs Trainer gave me must have been correct, or M'Laughlin could not have understood them. That is the reason I have no hesitation in stating the fact. Another object I have in explaining this is, that on the trial it could not have come out in evidence, because M'Laughlin was not by, and therefore I could not be allowed to state it; I thought it right to state it here, lest your Lordships should suppose I was speaking on mere supposition."

The mode in which this combination acts in producing outrage, is succinctly described by Captain G. Despard, as follows:—

* "*Q.* Considering all the evidence, and the nature of the quarrelling words you have seen in the Riband system, do you think it is one of the first purposes of it to stop faction fights, for the purpose of uniting all the lower and ignorant classes into a confederacy?—*A.* The object of those several quarrelling words, as I understand from all I have learned upon the subject, is this; if there is an obnoxious person to be beaten in a fair, the parties who are to beat him are strangers to him, and therefore he must be pointed out. The party to point him out goes up to him, and immediately puts his hand upon him, and he makes use of one of those

* Vide 4,027, 8, &c.

quarrelling words; for instance, 'Do not be fond of quarrelling;' then the party who is to beat, to show that he sees the object, says, 'I am not so disposed,' the man who had pointed him out walks off as if nothing had happened; the others keep him in view until the other man is out of sight, and then they lay upon him, and lick him unmercifully.—*Q.* Will they do that without inquiring into the reason why the man is to be maltreated?—*A.* It will appear from the papers before me that the system is this: If I have cause of quarrel against any one, or he has done something obnoxious to me, I go to a committee-man or parish master, and tell him such a man has done so and so: they debate what is to be done; it may be they think it is only deserving of a beating; then men are brought ten or twenty miles, who have never seen the person to be beaten, and who know nothing at all about him; he is pointed out, and they beat him. If a man is to be shot, either one, two, or three persons are selected from a distance to shoot that man; and they must do it, or forfeit their own lives."

This evidence is strongly corroborated by Mr. T. F. Uniacke, who had himself been denounced by the priest from the altar, and whose life had been repeatedly threatened in consequence of his activity as a land-agent, and as a magistrate in the county of Westmeath. He was asked—

* "*Q.* You say that Ribandmen told you of outrages settled and arranged at lodges; can you state what they were?—*A.* I can: I can state one instance which occurred in my own neighbourhood, on, I think, the 25th of March. I got information from a man that an outrage was planned to be committed; a man of the name of Killion, who was

* Vide Q. 6,462, 3, 4, 5, 6, 7.

under agent to Mr. D'Arcy, of the county of Fermanagh, was to be attacked, and I immediately sent for the man, and put him upon his guard, and I furnished him with arms for his protection; the man was very shortly afterwards attacked in the morning between six and seven o'clock, by forty or fifty armed men, and fired at in his bed, with his wife and family about him; he returned the fire, but the shots did not take effect in either case, though the slugs were found in the man's bed.—*Q.* Do you call to mind any other instance of your having been told of outrages that had been arranged at the lodge?—*A.* I have received from the same quarter very regular information upon various other outrages that were to be committed. *Q.* Have those outrages in fact been committed?—*A.* Some of them have, and some of them have not been; but, generally speaking, their information was correct. *Q.* Generally speaking, whatever outrages you were told were to be committed were committed?—*A.* Yes. *Q.* In the same manner?—*A.* Yes. *Q.* On the same persons and property?—*A.* Yes."

For a more flagrant instance of exclusive dealing, which is traced most distinctly to the operations of Ribandism, (we mean that of Mr. Swan, in the county of Sligo), we must refer our readers to the evidence of Captain Warburton,* and of Mr. Drummond.† The case occupies many pages, and is quite beyond the limits we have prescribed to ourselves in this pamphlet. A most extraordinary instance of the effects of this system for the concealment of the criminal, is detailed by Mr. J. Tabeteau, a Stipendiary Magistrate in Tipperary, which we cannot forbear to transcribe, although

* Vide page 737, &c. † Vide page 1,113, &c.

blushing to think that such a circumstance could occur under English laws.

Mr. Tabeteau is asked—

* "*Q.* Do you think that persons who have been guilty of murder can conceal themselves from the law with facility in the mountainous district of Tipperary?—*A.* Yes; and not only in the mountainous district, but in the most populous districts, and that almost every one amongst them will give them a lodging. A very extraordinary instance occurred some time ago: a man was taken up near Roscrea; he was found secreted in the ditches, and brought before me for examination. He was a person who had been on the look-out for offenders, and employed for the purpose by some of the government officers. I asked him where he slept the night before; he said, at a farmer's house near Burnan. I asked him how did he get in there, and he said he got in by saying he was on his keeping for murder. *Q.* What do you mean by 'on his keeping for murder?'—*A.* Keeping from arrest. *Q.* Was that a case of ejectment of the man who got the night's shelter?—*A.* He was not on keeping at all; he only made that a pretext for getting a night's lodging."

There is one other most remarkable statement, which we must extract entire from the Minutes of Evidence, and it shall be the last in reference to this subject. It relates to the drilling of the Ribandmen, and explains the reason for their great anxiety to get members of their confederation into the Police. It appears, in the evidence of Mr. Hatton, that a number of men leave the force immediately after joining the Depôt;† and

* Q. Vide 9,675, 6, 8. † Vide Q. 2,294.

from that circumstance, joined with the eagerness of those men at first to enlist, that gentleman very naturally draws the conclusion, that their only object in entering the force was, that they might be drilled, and acquire the use of arms. This idea is curiously strengthened in an incidental manner by Mr. Rowan, in the passage that we are about to quote, but which required thus much of explanation to render it intelligible without the context.

* "*Q.* Are you aware that the Ribandmen are drilled, or taught any duty in their society?—*A.* I am. *Q.* To what extent?—*A.* It is stated to me that there have been drills on various occasions, in very considerable numbers, by night. Some of the persons who have given me information, have stated that there are periodical drills which these men attend on set nights; but not at any certain periods. One has stated to me that they have not fixed periods, but that they are called together as often as opportunities arise; but I have been told by a Ribandman that they have gone out at night with as many as sixty to a hundred men to be drilled; and he has mentioned a circumstance which struck me very forcibly—the mode in which they were drilled. On one night in particular, a fine moonlight night, the individual drilling them read from a book what they were to do, and gave them instructions; and he mentioned particularly the form and mode in which they were to fire in advancing or retreating in a street or on a road. I knew that it must have been from the recent instructions; and probably it was communicated by the policeman, who had been taught it. The old practice was,

* Vide 2,059, 2,060.

when they fired in sections, to retire by the flanks; now the process is to retire through intervals of fours; and that was the mode he described in which they practised. *Q.* So as always to present a front?—*A.* Yes."

If we had space we could quote numerous other cases, of equal clearness, and of the same pregnant import. The evidence of Mr. Drummond alone, for instance, testifies to forty-five cases; and almost every succeeding witness corroborates the opinions, and strengthens the facts of those who have gone before. But we must be content with those we have already adduced, and we trust that these few will still be sufficient to convince those of our readers who have not had inclination or opportunity to study the voluminous evidence of the Committee that we speak not without book.

Having now disposed of the subject of Ribandism, not at all in the detail we should wish, it is true, but at the utmost length of which a pamphlet such as this is capable, we turn to the consideration of another most important topic, upon which there is much information in the Report before us, and which, although it has been frequently canvassed, still remains comparatively a sealed book to the English nation.

And here, although the matter in itself is not more important than that of Ribandism, (for we can conceive nothing of more danger to the State than a system of secret combination carried to so

alarming an extent, and openly avowing such treasonable objects), still, as in that case the proofs against the Government are chiefly negative, and in this they are positive and active, it is a subject the due disclosure of which may be considered to involve more serious consequences to the culprits themselves, and through them, in their public capacity, to the destinies of the empire.

It was bad enough for the Government of any country to be found denying the existence of a conspiracy, whose ramifications were spread over the land. It was atrocious enough, one would think, that an executive should excuse the impunity of crime, by pleading their own ignorance of its sources. And yet, this is the most lenient and charitable interpretation that we can put upon Lord Normanby's extraordinary and repeated denials of the existence of Ribandism, in Parliament. It was unprincipled enough, when these societies were proved to exist, out of the mouths of their own officers, whose frequent reports, and faithful warnings they must have treated with contempt, if they were in reality so ignorant upon the subject as they pretended to be, that they should suddenly change the manner of their defence, and treat with sneers and ridicule the objects and probable consequences of these nests of sedition, which they had suffered to gather strength from their weakness, and courage from their reckless indifference. But it is no such negative evidence as this upon

which rests our severest criticism. We boldly arraign them upon the mere authority of this Report, without looking for proofs to any other source, of no less a crime than the pollution of the very sources of order, and the violation of the first principles of Government, by the most glaring maladministration of justice. But let our readers judge for themselves. The evidence before us particularises three modes in which the due execution of the laws has been most materially impeded by the direct acts of the Government. The first is, by wilful neglect on the part of the law officers of the Crown in challenging jurors. The second is, by the wholesale process of liberating prisoners from gaol, and casting them loose upon society, merely because the Lord-lieutenant chose, perhaps, to gratify his personal vanity as endowed with the regal prerogative, or, in the spirit of philosophic speculation, to try an experiment upon the lives and fortunes of his fellow-citizens. The third is, by lowering the position of the local magistracy, and their influence in their various districts, by insolently reversing their decisions, and throwing out insinuations against their motives, and by commuting the sentences of convicts, without consulting, and sometimes even in direct opposition to, the deliberate opinions of the judges who tried them.

First, then, with respect to juries. It seems that during the last two or three years, since the

passing of the New Jury Act, the necessity for challenge on the part of the Crown, instead of being diminished, is increased; and therefore, that instead of that prerogative being abandoned altogether, as it has virtually been, it should have been exercised with caution, we admit, but still with energy. The class of persons now entitled to serve on juries, is of a much lower grade than heretofore, and consequently many causes might arise to render it necessary to challenge persons placed on the panel as now constituted, which could very rarely have occurred under the old system. Major Warburton says, with reference to the new state of the jury law:

* "I think in many cases the class of jurors are too much upon a level with the prisoners to act independently. I think jurors should not be appointed who are from the same locality as the prisoners. They should not be appointed if they are engaged in any public business, such as keeping public-houses; and there are a variety of cases, such as the connexions of prisoners and others, which I think should be always considered, and made a ground of challenge," &c.

The cases here alluded to, which are now very common, were before extremely rare; and yet challenges on the part of the Crown, instead of being looked to with increased vigilance, are become almost a dead letter. The same gentleman gives an anecdote† of seven or eight men, who came to him, the year after that bill passed, with a petition to the judge to have their expenses paid.

* Vide Q. 1,068. † Vide Q. 1,072.

He thought they were perhaps summoned by the Crown as witnesses. But on inquiry, they said: "No, Sir; but we are brought here as jurors, and we literally are starving; we have no means of providing ourselves; we have come forty miles." He (Major Warburton) investigated the case, and found that out of the seven four could not speak English, and the other three were illiterate. It would be out of place here for us to comment at any length upon the provisions of the most mischievous act under whose provisions such things as these can occur. But happily that is unnecessary. The evidence before us is so strong upon this point, that it speaks for itself with many tongues; and we think, that, if no other end had been attained by that committee, its labours would have been amply repaid, by the important facts, and valuable opinions, and hints, with which its report abounds, in this most important, but greatly abused item of the administration of justice. It appears that, though the Crown does not now challenge jurors as formerly, still the prisoners exercise their right to the same extent; and, moreover, it is observed, that Roman Catholic prisoners, forming as they do by far the greater proportion, make a habit of challenging Protestant jurors.* Now this is evidently one-sided justice. If the vexatious challenge on the part of the prisoner were met with discretion by a similar pro-

* Vide Q. 2,573, 4.

ceeding on the part of the Crown, it would soon cease. At present this is one of the most fertile sources of impunity to the offender. As an instance, it is stated by Mr. Faussett, that, at the last assizes in the county of Sligo, (the witness speaks in May 1839,) there were eighty-three bills of indictment, and only six or seven convictions.* The country was then in a very disturbed state. This witness also introduces a new objection to the bill above alluded to, and which now regulates all these matters, which, as it is comprised in few words, we quote entire.

"*Q.* Do you conceive a Roman Catholic prisoner of the lowest class of life had formerly as much confidence in the probable fairness of his trial as he has now?—*A.* I have no doubt that they conceive that they have a better chance of escaping from punishment now than they had formerly. *Q.* When a party is really guilty?—*A.* Yes; I will give my reason. At present, when a prisoner is arrested he must have his informations read; the person must be sworn in his presence; the consequence is, they are able to come immediately at the persons, who make the depositions against them; then, if they find there is the slightest alteration from the deposition in the evidence given on the trial, the man will be invariably acquitted; and certainly there is no one thing has done more harm than that of the exposing of witnesses, and giving copies of informations in the first instance to the parties. . . . . any trifling alteration, though perfectly honest, will ensure an acquittal."†

He further says, that the effects he has himself

* Vide Q. 2,575. † Vide Q. 2,556, 9-61.

remarked in this system, enable prisoners to get up alibis, to tamper with witnesses, and to deter them by intimidation, and other means, from appearing.* He states that Mr. Dudgeon, the Crown solicitor, said he thought it was useless to go to the expence of having assizes in Sligo. He is then asked: †

"*Q.* It appears that the number of persons committed in the county of Sligo in 1838 was 224, the number of persons indicted 155, the number of persons convicted 20 only. To what circumstance do you attribute the small number of persons convicted in proportion to the number committed and the number of persons indicted?—*A.* That must be a matter of opinion. I should attribute it probably to the formation of the juries; and I think that is more than probable. *Q.* It appears that in only forty-seven cases there were true bills found; to what do you attribute that?—*A.* That may have been from the witnesses not appearing. When the bill is sent up to the Grand Jury the bill must be ignored for non-attendance, and a green-wax process is issued. *Q.* It appears that in sixty-four cases there was no prosecution? —*A.* The parties probably did not appear. *Q.* To what circumstance do you attribute the non-appearance of the parties, supposing they have been bound over to prosecute? —*A.* To terror and intimidation."

This witness, in conclusion, distinctly affirms, that he attributes all these effects to the Riband conspiracy;‡ meaning to infer, that this low class of jurymen belong in great numbers to that combination.

* Vide Q. 2,562, 3, 4. † Vide Q. 2,581, 2, 3, 4.
‡ Vide Q. 2,586.

Mr. Hatton coincides in this opinion. He states, that "the quality of the jurors is inferior to what it used to be;" and that, "we have not the respectable class we used to have;" and further, that "it is more difficult now to obtain verdicts of guilty, than it was before the change of the jury."* Surely these are ominous circumstances.

Mr. Despard also states, that he considers the cessation of challenging on the part of the Crown as injudicious, and that he knew an instance in which a man was juror on a trial who had declared solemnly, that "*if he was put upon it the prisoner should never be convicted.*" † The same witness gives the following case in illustration of his position:—

"There was a case occurred to myself, where a very violent outrage had been committed. I was rather surprised at the foreman of the jury, for he was not in the habit of attending; and it subsequently came to my knowledge that he was the very man who had sent the party to commit the outrage; and one of the very prisoners, who acknowledged to myself that he was one of the party, was acquitted. They found only one man guilty, who was wounded by a blunderbuss. One man said to me afterwards, 'Are you not aware that Mr. So-and-so, the foreman, was the very man who sent the party?'" ‡

It is stated by Mr. Kemmis, that it is possible, if the sheriff were so inclined, for him to *pack* juries according to the working of the present

* Vide Q. 3,033, 4; 3,041. † Vide Q. 3,333.
‡ Vide Q. 3,339.

law. The following questions and answers contain this startling case:—

"*Q.* Cannot a sheriff, if he thinks fit, pack a jury?—*A.* Scarcely; because if he returns four or five hundred names upon the jury, it can scarcely be called packing a jury. *Q.* How many does he summon?—*A.* Nearly four hundred. *Q.* Does he summon them from different districts?—*A.* Yes; one man out of one, and one out of another, and so on. *Q.* Is not that in fact packing, if he selects one from one barony, and another from another, and so on; or, at all events, selection?—*A.* Selection it is. *Q.* Are you aware that in England no such practice exists?—*A.* I am not aware of the practice in England." *

And the same gentleman thus illustrates the results of the non-challenging system on the part of the Crown:—

"*Q.* Supposing you found upon a jury a person that you knew to be a very ignorant person, and very unfit to sit upon the jury, you would not think yourself, under those regulations," (referring to the regulations of the Attorney-general O'Loghlen) "authorized to set him aside?—*A.* Certainly not. *Q.* Not even if you knew him to be a Ribandman?—*A.* Certainly not. *Q.* In point of fact, since you received those directions from the Attorney-general, how many persons do you think you have set aside by peremptory challenge?—*A.* I do not suppose I have set aside ten. *Q.* Can you form any judgment how many you would have set aside if you had not received that direction?—*A.* I cannot. *Q.* Would it have been many?—*A.* It would have been a good many. *Q.* Is it your opinion, that in consequence of your acting upon that direction the ends of justice have been foiled in

* Vide Q. 6,958 to 6,965.

any prosecutions under your care?—*A.* In some cases they have."

The directions of the Attorney-general here alluded to, we shall lay before our readers presently.*

The opinion of Mr. Hamilton, Crown solicitor for the north-east circuit of Ulster, upon this law of jurors is important. He says—

"I think the late enactment in reference to communicating depositions to prisoners is a very bad one. It has been always my opinion that it is sufficient for a prisoner to know in general terms what charge is to be brought against him, which can be seen from his committal, and that the fewer the minute particulars in the case exposed the better; for in Ireland, from false swearing, almost every case can be met; and there are always witnesses to be procured to meet any case that is about to be made?" †

And again with regard to the non-challenge—

"*A.* I find, in party cases, where convictions ought to have taken place, there is generally no verdict at all. *Q.* Do you not conceive that is the effect of the practice of non-challenge?—*A.* I cannot say. *Q.* Do you mean to say that in all cases where convictions ought to take place there is no verdict at all?—*A.* I think that in all our important cases on the circuit during the last three or four years, the juries did not agree at the first assizes, and at the next the parties were acquitted altogether." ‡

Chief Justice Bushe, speaking with great caution, and protesting most strongly against its

* Vide Q. 7,029, 7,030; 7,043 to 6.

† Vide Q. 9,191. ‡ Vide Q. 9,133 to 5.

being considered that he ever interfered with the verdicts of juries, still admits that he has known many instances in which he could not himself have come to the decision at which the jury arrived. He* observes—

"I do not like to venture an opinion condemnatory of any verdict of a jury; I do not wish to do that; but I can state this, that there has been the occurrence of late years of one failure of justice much more frequently than formerly, from, I mean, the jury not agreeing, and the judge being therefore obliged to discharge them."

This appears to us a very important authority.

Here, then, we have a long chain of evidence, all going to prove the evil effects of the change in the constitution of juries in Ireland; and every item of which forms an argument for increased vigilance on the part of the Crown in challenging improper jurors. Bearing in mind this state of things, we have now to call the attention of our readers to the directions of the then Attorney-general, Sir Michael O'Loghlen, (now promoted to the Bench,) to the various subordinate officers under him. They are frequently referred to throughout, and are given verbatim in the evidence of Mr. Kemmis, as follows:—

"It is not my wish that you should exercise the privilege of setting aside a juror, except in cases in which a juror is connected with the parties in the case. You will not set aside any juror on account of his political or religious opinions; and you will be pleased, in every case in which

* Vide Q. 11,262, 7, 8.

you may consider it necessary to set aside a juror, to make a note of the objection to him."*

Thus virtually putting an end to all challenge whatever on the part of the Crown.

This precious document appears deservedly to have excited surprise among all the members of the Committee, and the questions which follow the reading of it to Sir M. O'Loghlen himself, are curious instances of casuistry on the one hand, and pertinacious severity on the other; which end, as all such contests generally end, to the advantage of truth. In short, a more miserable instance of shuffling inconsistency, than that gentleman's evidence affords, is seldom to be seen on any record; and certainly, we assert, is altogether unequalled, proceeding, as it does in this case, from a Judge upon the Bench. We might, without much indiscretion, make use of still stronger terms, with reference to this extraordinary case; and, if we mistake not, stronger terms than we have used are to be found in the admirable speech of Lord Brougham, during the debate which followed the Report of the Committee in the House of Lords. But we are content to leave the naked facts as we have stated them, to be commented upon by the unassisted judgment of our readers.

The next point in the case against Government, with respect to the administration of justice, is the wholesale delivery of the gaols upon

* Vide Q. 13,639.

the verbal order of the Lord-lieutenant. A most gratifying exercise of power, no doubt, to his personal feelings, but better calculated, we think, to produce an increased confidence in the laws on the part of the criminal, than on that of the outraged citizen.

We know of no better way of shewing in one comprehensive view to what an extent this system was carried on throughout the country by Lord Normanby's government, than by placing before our readers the abstract of a return given in the Appendix to the Report of the Committee; entitled, "A Return of the Names of all Persons whose Sentences have been Remitted or Commuted in Ireland, since the year 1835."

ABSTRACT OF RETURN.

Number of Return.	Counties.	Number released.
1.	Antrim county	68
2.	Armagh county	97
3.	Carlow county	51
4.	Cavan county	84
5.	Clare county	89
6 & 7.	Cork county	106
8.	Cork city	57
9.	Donegal county	53
10.	Down county	107
11.	Drogheda town	10
12.	Dublin county	45
13, 14, 15.	Dublin city	69
16.	Fermanagh county	83

Number of Return.	Counties.	Number released.
17.	Galway county	59
18.	Galway town	14
19.	Kerry county	97
20 & 21.	Kildare county	37
22.	Kilkenny county	92
23.	Kilkenny city	7
24.	King's county	94
25.	Leitrim county	132
26.	Limerick county	102
27.	Limerick city	48
28.	Londonderry county	64
29.	Longford county	30
30.	Louth county	12
31.	Mayo county	67
32.	Meath county	52
33.	Monaghan county	31
34.	Queen's county	57
35.	Roscommon county	61
36.	Sligo county	53
37.	Tipperary county	193
38.	Tyrone county	75
39.	Waterford county	33
40.	Waterford city	18
41.	Westmeath county	75
42.	Wexford county	60
43.	Wicklow county	31
	TOTAL	2,513

Signed by J. PALMER, B. B. WOODWARD, } Inspectors General of Prisons.

Dublin Castle, 16th April 1839.

There is also another return,* by which it

* Vide Appendix, page 1,521.

appears that, out of the above number no less than ninety-five were recommitted upon various charges, many of them of a most grievous nature, within a very limited period after their release; and these are so divided among the different gaols, that of forty-three there are only twelve which have no recommitment mentioned in their returns. We wish most sincerely that our limits would permit us to enter more at length into some of these cases. At the same time, we are the more reconciled to the necessity of this omission, since this is a branch of the subject which has more frequently than any other been brought before the attention of the public.

We cannot refrain, however, from alluding briefly to the off-hand manner in which these things were performed by Lord Normanby. It appears that, on most occasions, the opinion of the various gaolers was his only authority, and the conduct of the prisoner in gaol his only alleged reason, for casting over him the shield of the prerogative.* The following case is so naively, and at the same time so briefly narrated, that, together with its results, we place it entire before our readers.†

"*Q.* What were the circumstances of those nineteen men being let out?—*A.* His Excellency went round from class to class. *Q.* Did the Lord-lieutenant give any written

* Vide Q. 1,210, 2, page 95, 254, 455.

† Vide Q. 2,648 to 2,675.

order to discharge them?—*A.* No, he did not, at the time. *Q.* What did he tell you?—*A.* I took a list of the names he ordered to be discharged; I followed his Excellency a few yards, and asked him would he give me an order to liberate the prisoners forthwith; he desired me to discharge the prisoners, and to send a copy of the return I had to make to the under secretary, and that he would send me down a discharge for those nineteen people. *Q.* Did you upon that discharge the prisoners forthwith?—*A.* I did. *Q.* Without any written order?—*A.* I did. *Q.* Have any prisoners you discharged been since recommitted to gaol?—*A.* There have; there have been six committed, and two out of the six have been transported."

Afterwards, in alluding to two of these men:—

"*Q.* Are those the men that have since been charged with murder?—*A.* Yes, they are."*

It appears that there were let out of gaol, on the Lord-lieutenant's verbal order, during the progress of his tour in 1836, as follows:

At Mullingar, in an hour-and-a-half, nineteen.†

At Wexford, in three-quarters of an hour, seventeen.‡

At Carrick on Shannon, thirty-five,§ and "the whole thing occupied an hour." "His Excellency made all the prisoners shake hands." The whole number of prisoners in the gaol was forty-five, and the other ten were discharged after short periods. So that the Lord-lieutenant either dis-

* Vide Q. 2,716 to 2,721.
† Vide Q. 2,641.
‡ Vide Q. 3,085, 94.
§ Vide Q. 1,156; 3,104, 6; 3,136.

charged, or mitigated the punishment of every prisoner.*

At Trim, in "about an hour, seventeen prisoners, without any written document whatever."† One of these has been since twice recommitted.

At Clonmell, in an hour-and-a-half, fifty-seven.‡ It further appears, in the evidence of Mr. Prendergast, Governor of this gaol, that many of these prisoners were liberated contrary to his opinion, and on the recommendation of one of the turnkeys only,§ whose character appears in the evidence to great disadvantage. The local inspector, the Rev. W. Giles, states, also, that if he had been referred to, he should not have recommended one of the whole fifty-seven,‖ because he considered their conduct in general to have been improper.

Thus, in isolated periods of time, which, added together, amount to five hours and a-half, this Don Quixote visited five gaols, of whose inmates he knew nothing previously, from which he discharged, by verbal order, without any written document, and upon no recommendation but that of the turnkey or the gaoler, no less than one hundred and forty-five prisoners, sentenced by the judges to their several punishments in open court, for various offences of which they had been found guilty by the solemn verdicts of juries, in a great

* Vide Q. 3,154, 5.
† Vide Q. 3,469; 3,472; 3,488.
‡ Vide Q. 4,124; 5,839.
§ Vide page 457 to 461.
‖ Vide Q. 5,974, 5, 6.

measure chosen by themselves, and some of which were of the deepest die. Truly we may be allowed to say, without exaggeration, that a case, such as this, cannot be paralleled, for folly, for frivolous weakness of character, and for headstrong recklessness, in the history of Ireland; or, perhaps, in the chronicles of any country on the face of the globe.

But the worst side of this miserable picture is still to be laid before the wondering vision of our readers. This modern knight-errant was not content with shackling the prerogative of the Crown with regard to the challenging of jurors, or with nullifying the acts of the courts of justice by the wholesale exercise of mercy. He must also insult the Queen's judges, and set up his own opinion against theirs, even upon points of law. He revises the decisions of juries for the most trivial reasons, and if these do not accord with his own opinion, not formed upon a careful hearing of the evidence, but upon a cursory review of the notes of the trial, he has no scruple in reversing their verdicts. And as for the sentences pronounced by the judges, he sets them altogether at nought. With the aid and under the sanction of his Attorney-general he commutes punishments and remits judgments, without any reference to those whose high office he thus treats with so much disrespect, merely for the sake of trying the somewhat new experiment, whether men when so absolved from the

effects of past crime, will or will not pause in the career of vice, and ultimately return to the paths of virtue. And this is a part of the case wholly distinct from that which we have just considered. For in letting out prisoners by verbal order, in wholesale numbers, and without time for mature consideration of each case, the Lord-lieutenant may be absolved, by his own partisans, at least, from the charge of wilful mismanagement, under the plea of indiscretion. He may be supposed to have said to himself: "Here I stand, the representative of my sovereign—armed with all the power of the prerogative—invested with all the dignity of royalty—I shall, perhaps, never have again such an opportunity of exhibiting the benignity of my disposition. Now is the time for me to render myself famous among governors, a favourite among criminals, the idol of malefactors. Now is an opportunity for me so to ingratiate myself with these classes, as to attach them for ever to my person, and through me to the interests of my sovereign." This excuse, such as it is, might in the other case be urged, if not as palliating false principles of policy, yet as an exculpatory proof of the amiable weaknesses of the man. But in the case which we are now about to unfold, the matter is placed on quite a different footing.

It seems that Lord Normanby thought it necessary and expedient that he should give the country some incontrovertible proof of the respect of the

Crown for "the Rights of Man," even in spite of law and justice, as well as of the power of the Crown when it chooses to set the laws at defiance, and trample under foot the authority of its functionaries. He suspends the execution of the laws with deliberate intention—he insults the ermine of justice with cool premeditation—he refuses all deference to learning and experience, and sets up not only his own judgment, but his own actual information on each case, above that of the persons who tried the case, asserting his discretion to be paramount to their authority. We open this part of our case with the evidence of a Mr. Simpson, the Governor of the King's County House of Correction. This gentleman gives the details of four cases, two of which are so remarkable, that we shall as briefly as we can give the substance of each. The first is that of a man of the name of Coghlan, who, it appears, was committed to his custody four times—namely on the 7th of April 1831, on the 30th of June 1834, on the 9th of March 1836, and last on the 18th of July 1838.* The first committal was for attacking a house, and the prosecutor not appearing, he was discharged by proclamation.† The second was for larceny, of which he was convicted, and suffered six months' imprisonment with hard labour.‡ The third was for robbery and assault,

* Vide Q. 5,336. † Vide Q. 5,259, 60, 61.
‡ Vide Q. 5,264 to 9.

judgment of death was recorded against him and two associates, and he was delivered on board the hulks at Kingstown for transportation :* he received on this occasion a free pardon from Lord Normanby. The fourth was for rape, assault, and robbery : sentence of death was passed upon him : and this old offender was at length transported.† It appears from the evidence of Mr. Wetherell, magistrate of the King's County, that this identical person had been in prison ten different times between the years 1828 and 1838 ; and that he had been five times convicted.‡ Mr. Pierce, Surgeon to the King's County Infirmary states, that the reason of his free pardon in 1836 was, that he was declared unable to undertake the voyage to New Holland by a medical practitioner at Kingstown, on account of confirmed ill-health ; that gentleman declaring that three days before he went to the hulks he was in a state of perfect health ; and that he believed him to have purposely produced inflammation in his eyes by rubbing them with lime, a common trick among convicts, and which artifice it seems was in this instance perfectly successful.§ The next case is that of a man of the name of Michael Brien, who was condemned to seven years' transportation, for cutting a man's eye out with a knife,‖ and it will

* Vide Q. 5,272 to 9.
† Vide Q. 5,295 to 9.
‡ Vide Q. 6,674, 5.
§ Vide Q. 5,491 to 9.
‖ Vide Q. 5,320 to 8.

hardly be believed that this man was let out of prison with a free pardon in consequence of a memorial, stating that he had a bad leg, signed by the apothecary of the prison, and which had never been shown to the surgeon of the Infirmary, who was then present, whose natural business it was to take cognizance of such a matter, and who now, upon being questioned upon his oath, states that "he was a remarkably healthy man."* It appears that he had fastened a halfpenny tight upon his leg, and thereby produced a sore. Surely two more flagrant cases than these, of gross negligence or incapacity on the part of public officers in allowing themselves to be taken in by such paltry devices, cannot possibly be conceived. Here are two old and notorious criminals enabled to baffle the ends of justice by an artifice which the slightest inquiry, one would think, on the part of the Lord-lieutenant from the proper persons before signing the pardons, must have instantly detected. The next example of the mode of executing justice under Lord Normanby is of a different nature. It relates to the moral effect produced in the country by the contempt of the Government for the decisions and opinions of the magistrates, where those magistrates happened to be opposed to them in politics. Their political hostility was, it seems, visited upon them by a course of treatment calculated to diminish their

* Vide Q. 5,515, &c.

magisterial influence. Mr. Daniell, magistrate for the county of Westmeath, states that one Philip Hogan was fined by the bench of magistrates to which he belongs, for having arms unregistered. Hogan memorialized the government, and in spite of the recommendation of the bench to the contrary, when the case was referred back to them, the fine was remitted. The consequence was as follows:*

"*Q.* What effect did that remission produce?—*A.* The following sessions-day, on my refusing to reduce a punishment, they told me they had friends at the castle who would send all orange magistrates like me to hell. *Q.* Who said that?—*A.* The friends of a countryman whom I convicted. *Q.* Did they say that while you were sitting as a magistrate on the bench?—*A.* No: a person followed me after I left the bench and was going to my horse, and asked me to remit the fine I had imposed; I told him that I could not, that I considered he deserved the punishment; he said that they had friends at the castle that would send all orange magistrates like me to hell."

Again, Mr. Kelly, J.P. for Westmeath, gives at some length the details of an aggravated case of the same nature as the above; namely, of the unlawful possession of arms, by two brothers of the name of Glynn, who were fined in the full penalty of 10*l.*, by the *unanimous* decision of the bench.† The sequel is briefly related as follows:

"I think in about a month afterwards, when I went to the session court one day, Major Burke took out of his

* Vide Q. 6,197, 8, 9. † Vide Q. 6,231, 2, 3.

pocket a communication from the Government to the magistrates upon the subject: the substance was shortly, that the Lord-lieutenant was pleased to mitigate the fine to forty shillings. He also showed me at the time, or allowed me to see, a letter to Glyn, the man fined, from the secretary; it had Mr. Drummond's name to it, and stated that the Lord-lieutenant was pleased to mitigate the fine to forty shillings. That portion seemed to be the usual printed form; but, on the other side of the letter, there was a private communication, as it struck me afterwards, to Glyn, stating that his Excellency would have remitted the entire fine but for some observations in the memorial which, it appeared, was presented, for we knew nothing of it, towards a brother magistrate and myself; Mr. Meares was the magistrate. *Q.* Observations derogatory to you and Mr. Meares?—*A.* Not having seen the memorials, I cannot state the expressions: but I believe, from what I heard, that he said we were two Orangemen, and that it was in order to exercise a vindictive feeling we laid on this penalty."

The witness further states:*

"When I read that communication from his Excellency I thought it very strange that, under the peculiar circumstances in which those arms were found, no communication whatever should be made to the presiding magistrates; I thought it the more singular, as the magistrates that composed the bench at that time were two of them supporters of the Government; I thought it strange no communication was made to them. I immediately asked Major Burke how that occurred? Oh, said he, the memorial went up, and they pleased to do so and so to mitigate it; no communication whatever was made to the magistrates on the subject before it was mitigated."

* Vide Q. 6,237.

This gentleman winds up his relation by complaining, that he and his brother magistrates "did feel at the time, and do feel still, that from the diseased state of society in that part of the country, the Government Secretary writing to such characters as the Glyns, had the effect of placing them in a very unsafe position."* We leave our readers to coincide or not, as they please, in this expression of opinion. A similar case of the most utter disregard of the representations of these same magistrates is stated by the same witness,† in which it seems their letters were not even answered. The result of all this, according to the evidence of Mr. Kelly,‡ was, that that part of the country was brought to such a state, that, to use his own words, "it was impossible that anything short of open rebellion could be worse." To crown all, in consequence of this state of things, twenty-one magistrates of that county sent up a memorial to Government, briefly recapitulating the various evils by which they were surrounded, together with their manifest causes, respectfully praying for the assistance of the Executive in their efforts to meet the exigencies of the times. They received an answer from Mr. Drummond, couched in terms of extreme flippancy, and which, so far from affording them any consolation for the past, or hope for the future, only left their authority in a still

* Vide Q. 6,242.
† Vide Q. 6,265, 6, &c.
‡ Vide Q. 6,259.

more weak and unsettled condition than it was before.*

The results of this course of conduct are so forcibly, and at the same time so rationally summed up by the witness, that we cannot refrain from quoting his own words.†

"*Q.* What defect at present exists in the administration of the law, in your estimation?—*A.* I think the law does not receive that support from the executive which it ought; in other words, I do not think the magistracy are supported by the Government. *Q.* In what respect?—*A.* In their magisterial capacity. There is also a feeling among the people that the magistrates are a cypher; that their sentence can be upset the moment a memorial goes in. *Q.* Is there any class of persons in particular who are considered to have influence with the Government against the decisions of the magistrates?—*A.* Unquestionably there are. *Q.* What class of persons?—*A.* The Roman Catholic priests. It is generally through the Roman Catholic priest that a memorial, when drawn up, is forwarded. *Q.* To whom?—*A.* To the Secretary. *Q.* That has always been the practice, has it not?—*A.* It has, I believe, been the practice for some time. I say that isolated cases will arise where persons will send forward memorials. According to the old practice, I have heard from my brother magistrates that formerly, the moment a memorial went, it was remitted to the magistrates, and their opinion taken upon it. I mentioned, a moment ago, a case where the punishment had been mitigated. The present system, and that which weakens the power of the magistrates, is that of not sending it back, and consulting the magistrates upon it; but the executive take upon themselves to adjudicate without reference to the magistrates who im-

* Vide Q. 6,256. † Vide Q. 6,358, &c.

pose the fine, or any of the magistrates of the neighbourhood; as, for instance, the case of Glyn. I suppose there was not a magistrate in the neighbourhood that would have given him a good character, and plenty, I believe, there that would have given him a bad one, even those not engaged in imposing the fine. He is a man of wealth, but very mischievous in the county. *Q.* You consider that a new system has been introduced as to memorials?—*A.* I consider the course acted upon, without the magistrates being consulted, as new. I have been a magistrate only five or six years myself. *Q.* Has that custom continued during the five years you have been magistrate?—*A.* I have never been consulted on a memorial. *Q.* Have many memorials been sent from your neighbourhood?—*A.* There is scarcely a day we sit that we do not impose penalties. Memorials are constantly sent up. *Q.* Have the Government taken steps upon those memorials?—*A.* They have."

These facts, with the reasonable conclusions to which they have given rise, are remarkably corroborated by Mr. Wetherell, as follows:*—

"*Q.* To what cause do you attribute this insecurity of life and property?—*A.* I do not know to what cause to attribute it but the distracted state in which the country is. There is no respect for the laws of the country; they are not administered in such a way as to keep the people in subjection. The Irish people are a people that cannot be flattered into obedience to the law; they cannot be coaxed into it. The law is sufficiently strong to keep the country quiet, if it were properly administered. The people of the country imagine that their acts are countenanced by the Government."

Similar to these is the testimony of Mr. Hamil-

* Vide Q. 6,658.

ton, whose opinion may be allowed to be of considerable weight, as he is Crown solicitor for the north-east circuit of Ulster. His experience is shortly given to the following effect:*

"Latterly there has been rather a distrust of the magistrates in the present Government; they do not seem to be anxious to make communications. *Q.* The magistrates do not seem to be anxious to make communications?—*A.* No; not so much as formerly. *Q.* To what do you attribute that?—*A.* They say that they are not sufficiently assisted in following up crime. *Q.* That they are not supported?—*A.* Yes. If they take the information of informers, they say, 'The man's life will be in danger; I have no security from any body that this person will be kept out of harm's way if he gives information.' *Q.* Did they give you any reason for not having applied to Government for protection for informants?—*A.* No. *Q.* Except the want of confidence in the Government supporting them in it?—*A.* Yes. *Q.* Did they state that?—*A.* They spoke of their politics being different from those of Government, and therefore that there was no use in making a communication to Government."

The only other instance to which we think it necessary to allude in considering this part of our subject, is one which has already more than once been brought with great ability before the public. It is the case of the magistrates of Tipperary. The principal witness in this case is the Earl of Donoughmore, Lord-lieutenant of the county. He opens it with a return,† by which it appears that no less than thirty-two outrages of the most gross

* Vide Q. 8,977 to 8,986. † Vide page 943.

nature had been committed in two districts only of that county, between October the 1st and November the 20th, 1837.* In April 1838, Messrs. Cooper and Wayland were murdered. In consequence of this, a memorial,† signed by thirty-two magistrates of the county, was sent up to the Lord-lieutenant, stating that life and property were no longer safe, and drawing the attention of the Government to the fact, that owing to the intimidation of the juries, there had not been a single conviction at the preceding assizes, *i.e.* the spring assizes of 1838. The answer they received through Mr. Drummond was the document, one expression in which has since become so famous, namely, "property has its duties as well as its rights," &c.‡ It denies every position assumed in the memorial; sets up the opinion of the Lord-lieutenant and Mr. Drummond himself against the dear-bought experience of that large body of magistrates who had long been feeling in their own persons and properties the melancholy truth of their own statements, and who could have no other object in thus remonstrating than the public weal; throws in their teeth, without the slightest regard for the moral consequences of this contempt for their magisterial authority, a sweeping but vague charge of being themselves the authors of the state of things which they deplore; and concludes by a

* Vide Q. 12,021. † Vide Q. 12,025, 6.
‡ Vide Q. 12,027.

paragraph in which his Excellency admires his own activity and anxious consideration for the improvement of the country. This precious document the noble witness says that he kept secret as long as he could,* considering that it would be dangerous to make it public. The paper was moved for, however, in the House of Commons by Mr. Hume, and it was subsequently stereotyped in the county Tipperary, with the most offensive sentences in italics, and "*was used for the purpose of inflaming the minds of the people against the landed proprietors of the county.*"† And now what follows? In October of the same year (1838) Mr. O'Keefe is barbarously murdered. A meeting of magistrates is held at Thurles, at which sixty or seventy attended, "of all parties, of different religious persuasions, and of all politics, in the county." This meeting once more comes to a resolution, "with one dissentient voice, that neither life nor property were safe in the county of Tipperary."‡ Another memorial is drawn up, founded upon this resolution, which, after recapitulating facts, and alluding briefly to the former proceedings, concludes with the following temperate and becoming remonstrance: §

"Under the circumstances in which we are placed, having so frequently offered to your Excellency our suggestions, and bearing in mind the reply which your Excellency was pleased to give to our memorial of the 7th of April last, we, on the

* Vide Q. 12,038. † Vide Q. 12,041 to 4.
‡ Vide Q. 12,028 to 12,034. § Vide last paragraph, page 950.

present occasion, abstain from recommending to your Excellency any remedial measures whatsoever, as emanating from ourselves, but we call on your Excellency, as the head of the executive Government, to protect us in our lives and properties; and we beg leave most respectfully to assure your Excellency, that whatever measures you may think proper to adopt for the pacification of this county, each of us in our individual capacity will give your Excellency our most zealous and strenuous support."

The answer to this memorial was from Lord Morpeth, and is at length couched in a tone more consistent with duty and temper; and so moderate were the expectations and wishes of the memorialists, that although this reply contains nothing but vague expressions of commiseration, it was considered by them to be perfectly satisfactory. Our limits will not permit us to comment upon these transactions; and even if we had space, we should be almost unwilling to trust ourselves to do so. They speak, however, so plainly for themselves, that such a course is wholly uncalled for. We proceed, therefore, at once to that part of our subject which still remains undisposed of, and which refers to the judges. The first witness whom we shall call to prove this part of our case is the Lord Chief Justice of the Queen's Bench, Mr. Bushe. This gentleman states, that during his official and judicial experience as Solicitor-general and Judge, he has seen *thirteen* Lord-lieutenants.* His experience, therefore, to say

* Vide Q. 11,223.

the least of it, cannot be questioned when he says—*

"The course that I have always known to be followed was, that the Lord-lieutenant has directed to be enclosed to me, as the Judge, the several documents as furnished to him with the petition, being mostly attestations to the previous good character of the party applying; and in some cases of a special nature, a special reference, according to the facts, was made to the Judge; but in ordinary cases the form was, 'Whether, in your opinion, *A. B.* or *C. D.* is a proper object for mercy;' and there has been for a long time in Dublin Castle a lithograph in that form, with blanks for names and dates in all such cases."

Lord Chief Justice Bushe further says, that he has very frequently had lengthened correspondence with the Government with regard to the commutation of punishments, and that he has never had any reason to suspect a deviation from the "*uniform practice*" of referring such cases to the Judge (speaking of course only with regard to himself), and acting upon his judgment as the best authority.† Having thus established the precedent, at least in his own experience, he gives two instances of a contrary course having been pursued under the government of Lord Normanby. The first is the case of a man named M'Grath, whom a jury found guilty of a criminal information, but recommending him to mercy. The sentence passed upon him was "considering and allowing for and acting upon the recommendation

* Vide Q. 11,224. † Vide Q. 11,225 to 11,233.

of the jury in estimating what it ought to be." "It was afterwards communicated to us," says the witness, "that this person had received a pardon: and either it was a pardon without consulting us at all upon it, or it was that after a reference on which we had reported unfavourably, the man was pardoned." *

The other case is one of much more importance. In the spring circuit of 1835, Lord Haddington being Lord-lieutenant, four persons were convicted and sentenced to death for the crime of wounding with intent to kill. Lord Haddington being applied to, to remit the sentence, referred the case to the Judge, who "thought the ends of justice would be answered by the execution of one of those men, the worst of the party, and by commuting the capital punishment of the other three to transportation for life." This advice was acted upon; and one of the men, whose name was Tobin, was executed on the 6th of April. In the following August, shortly after Lord Mulgrave took the place of Lord Haddington, the witness was again referred to by the Lord-lieutenant as to the expediency of further commuting the punishment of the three surviving prisoners; and "the reference on that occasion was not in the common lithograph form," before alluded to, "but called on me," says the witness, "to consider the case, *with a view to the beneficial results that would be pro-*

* Vide Q. 11,235.

duced by taking that merciful course. This reference was accompanied by certain letters from the parish priest and other persons, which the Secretary enclosed. The learned Judge, being no doubt somewhat surprised at this new method of proceeding, and perceiving no "*beneficial results*" whatever likely to ensue from so lax an administration of the laws as was thus recommended, wrote an answer to the same effect as that which he had given to Lord Haddington; and that correspondence closed on the third of September. In the middle of the following October, another letter arrived from the Secretary, again referring to this often-mooted transaction, and enclosing more letters from the priest and his coadjutors. "Upon this," says the Chief Justice, "I wrote an answer, still persevering in my original opinion . . . . . That correspondence closed at that time, and I never heard more upon the subject till the following June 1836, when I received one of the official communications from the Government, that his Excellency had been pleased to commute the punishment of these men from transportation to imprisonment and hard labour for two years from conviction."* Thus Lord Normanby was not content with slighting the opinion of the Judge, and with weakening the force of justice in his own time, he must needs refer back to the times of his predecessors in office, and reverse

* Vide Q. 11,242, &c.

the solemn decision of one of them in a matter so grave that it had cost the life of one of the culprits.

It appears to us that this is an egregious self-sufficiency, and a reckless interference with by-gone circumstances with which Lord Normanby could himself have no legitimate connexion, and in which he ought in common propriety to have at once refused to meddle—worthy of the deepest blame that it is possible to cast upon the public conduct of any individual.

The next witness who testifies to facts of this nature, is a gentleman whose opinion is also entitled to great weight, as he is none other than the Chief Justice Doherty. He is Chief Justice of the Common Pleas, to which situation he was appointed under Lord Grey's government. He begins by stating, with equal directness, that in his experience up to the time of Lord Normanby, it was the "usual," nay, the "universal," practice to refer all cases of commutation for the opinion of the Judge.* He then proceeds to mention numerous instances of a contrary course having been pursued, which have occurred to himself since 1835. A few of these we must introduce to our readers. He first states the particulars of two cases in which commutation was made without any reference whatever to the Judge: one, that of George Sweeny in 1837, found guilty of abduc-

* Vide Q. 11,309; 11,312.

tion; the other, that of Pierce Campion, convicted of a rape in 1838; and whose sentences were both altered, without his knowledge, from transportation for life to imprisonment for twelve months. The witness, when asked if he can name any other cases of a similar nature, states that he is not able to do so; but that,

* "I have heard, and for the first time within the last fortnight, that a great number of cases which have been tried before me have been the subject of commutation of punishment, without any reference whatever to me. Whether this be so or not I have no means of gaining information; but a person who ought, from his situation, to know the fact, has stated it to be so."

He adds, in explanation of this last observation, that there is no official mode by which a judge can become acquainted with these facts, and that, consequently, those to which he has alluded were learned by accident.†

The Lord Chief Justice next relates several instances of the commutation of punishment, in spite of the recommendation of the Judge. A man of the name of Kyron Feehan, was convicted, in the year 1836, on a charge of rape. It was a very aggravated case; and in answer to a reference made to him in the usual way, he "felt bound to give it as his opinion, that there were no circumstances in the case which rendered the prisoner a proper object of mercy. Mercy was

* Vide Q. 11,328. † Vide Q. 11,341.

extended to him subsequently; he was not aware upon what grounds."*

Again: there was a man of the name of Peter Connors, who was clearly proved to be a receiver of stolen goods in Dublin—a class of persons most difficult to convict, which rendered it more advisable that, in that instance, an example should be made. His sentence of seven years' transportation, in direct opposition to the opinion of the *two Judges* who tried the case, the witness himself and Judge Crampton, was changed for the commuted one of twelve months' imprisonment.†

The next case is of great importance, and well worthy of the serious consideration of our readers.

A person of the name of William Comyn was convicted, in the spring of 1835, of an aggravated assault.‡ The prisoner attempted to set up an *alibi*. "It was," says the witness, "perfectly a jury question; it was submitted to them, and the prisoner was found guilty, and having been found guilty, I thought the case was one which called for the heaviest punishment." In this case, again, Lord Haddington, being Lord-lieutenant at the time, sent for the Judge, and had a personal consultation with him upon the subject. In consequence, the usual answer was returned, that the law should take its course. It is almost incredible, but it is nevertheless true, that, with a

* Vide Q. 11,331. † Vide Q. 11,334. ‡ Vide Q. 11,350..

full knowledge of all these circumstances, and in contempt of the solemn decision of his predecessor, and of the Judge who tried the case, Lord Mulgrave, instantly on his arrival in Ireland, with the most indecent haste, and upon the most unprecedented grounds that, perhaps, were ever urged in such a case, commuted the sentence from seven years' transportation (a most merciful judgment, and one altogether inadequate to the heinousness of the offence, but which, owing to the terms of the indictment, was the maximum which the law allowed), to twelve months' imprisonment. The grounds of this decision, as stated in the official letter to the Judge, are so unique, that we cannot forbear to transcribe them for the benefit of our readers.*

"Dublin Castle, 16th July, 1835.

"My Lord:—I am commanded by the Lord-lieutenant to acquaint your Lordship, that his Excellency has had your notes of the trial of William Comyn under his consideration.

"His Excellency directs me to observe, that, after a most anxious and attentive examination of the evidence in this case, he has arrived at the conclusion, that there is so much doubt as to the guilt of the prisoner, that, had his Excelleney been on the jury, he should have been induced to give the prisoner the benefit of it. There is, as it appears to his Excellency, in the very qualified nature of the *alibi*, a confirmation of its truth; the apparently respectable witnesses in support of it seem to concur in giving a natural

* Vide page 884.

reason why they remember the time for which only Comyn was out of the room. There has been, since the trial, the affidavit of Maguire, the statement of the Rev. Mr. Shiel as to the loan of the room, and the letter of Mr. Brooks, all tending to prove that the confession of McManus was not, as supposed, an after-thought, but that Comyn was, before his trial, desirous to prove that McManus was the man, as his ground of defence. Under all the circumstances of the case, the Lord-lieutenant has come to the determination to commute Comyn's sentence to one year's imprisonment: and he has desired me to express his great regret that he should differ from one of your Lordship's high judicial character and station. I have the honour to be, my Lord, your Lordship's most obedient humble servant,

"WM. GOSSET.

"To the Right Hon. the Lord Chief Justice, Common Pleas."

The *respectable witnesses* here alluded to were not believed on their oath by the jury who heard them cross-examined; and the Chief Justice goes on to state, that circumstances have since transpired which establish, beyond a doubt, the guilt of the prisoner.*

The last case of this sort which we shall mention is, the worthy climax of the others; and we have no doubt that, to those of our readers who have not already become acquainted with it, it will be alike full of instruction and disgust. It appears that a body of policemen, stationed in the county of Wicklow, were returning home from a fair, where they had been upon duty late in the

* Vide Q. 11,351.

evening. In passing through a town on their route (Tinnehely), a man of the name of Bayly accompanied them a short way, and then leaving them said, "Remember Crab-lane." They did not know, at the time, what these words meant; but, on arriving at Crab-lane, a sudden attack was made upon them, and three of their number severely injured. The serjeant in command had his skull fractured, his arm and ribs broken, and was so grievously injured that he had to leave the police shortly after. The other two were maltreated in a similar manner. These three men, and another, thoroughly identified both prisoners, namely, a man of the name of Gahan, and *the above-mentioned Bayly*. The defence set up was, that the police had been drunk, and had been the aggressors; and this by the decision of the jury, backed, as it appears most completely, by the opinion of the Judge, entirely broke down. The jury found both prisoners guilty of an aggravated assault, and the Judge (Chief Justice Doherty), considering that the offence was one of a very serious nature, pronounced sentence of transportation for seven years on both the prisoners. A reference was made to the Judge shortly after this trial by the Government, for his opinion; and he, after a careful reperusal of his notes on the trial, returned for answer, that the prisoners were not, in his opinion, proper objects of mercy.*

* Vide Q. 12,600 to 3.

He shortly after received a letter from Mr. Drummond, "in the usual way," to the effect that it had been decided that the law must take its course. This letter was dated the 6th of April 1836.* But the Chief Justice soon after received another note, dated Dublin, 21st of April, "in reference to a further application on the part of Joseph Gahan." This application was from the brother of the prisoner, and was signed "John Gahan, P. P. Rathvilly, Battinglass." It was in the shape of a memorial to the Lord-lieutenant, and is as follows:—

† "May it please your Excellency,

"I beg leave to approach your Excellency on a subject that, in part, has been already laid before your Excellency. A brother of mine, Joseph Gahan, has been tried at Wicklow, found guilty of an assault on a party of police, and sentenced to seven years' transportation. A man named John Connors had been tried at the Spring Assizes of 1835 for the same offence, found guilty, and sentenced also to seven years' transportation; but, on the recommendation of the Hon. Justice Moore (before whom he was tried) to the mercy of Lord Haddington, his sentence was mitigated, and eventually commuted by your Excellency to a short imprisonment. I earnestly implore your Excellency to consider the grounds upon which the learned Judge recommended Connors to mercy; I humbly submit it was on account of the guilty conduct of the police; several respectable witnesses having proved that the party drank intoxicating liquor every place it could be procured, until, in a drunken quarrel with Stephens, the keeper of a pub-

* Vide Q. 12,604. † Vide page 1,016.

lic-house, they exhibited conduct that, in my opinion, would be sufficient, under the government of our present gracious Viceroy, to procure the dismissal of the party as a matter of course. I implore your Excellency to read the notes of the learned Judge on the treatment given Mrs. Stephens. The country people have long been accustomed to such insolent and savage conduct from the police, until taught by your Excellency to deport themselves otherwise. Your Excellency will, I confidently hope, give its due value to the testimony of men in such circumstances, who carefully excluded the possibility of evidence that might disprove their own. If they failed to convict the country people of being the aggressors, the whole guilt of the outrage should devolve on themselves; the necessary consequence of which would be, they should be reduced to beggary, and perhaps be subject to further punishment. Why has not Gahan been given the benefit of the above testimony? He was odious to a party, one of whom was engaged in the transaction against the police, and summoned to attend the trial, but would not appear, as his testimony should go to criminate the police. Why was not Gahan also recommended to mercy, the case being the same? He was the brother of a priest, and tried before a Judge of the *right sort, from whom, I must confess, I did not expect justice.* I did hope, and do still hope, for justice, and even mercy; relying not on any representation I could make, or on any interest I could procure in this case, though many persons in this and the sister country, even Members of Parliament, sympathize with me, knowing the persecution is aimed at me, but on the discernment, impartiality, and clemency of your Excellency, supported by *the evidence taken by the learned Justice Moore on the trial of Connors.* I have the honour to be, with great respect and

attachment, your Excellency's most obedient humble servant, JOHN GAHAN, P.P.

"Rattevilly, 16th April 1836. Rattevilly, Battinglass."

The parts of this extraordinary document which refer to the former trial of Connors require some explanation. That man had been, it seems, previously tried for the same offence before Judge Moore; he had been found guilty by the jury, and sentenced to seven years' transportation. This sentence had been, however, ultimately commuted; the evidence on that occasion, on the material point of identity, being not so conclusive as in the subsequent case. But to proceed: on the back of the above paper, containing so wanton an insult to a Judge upon the Bench, was a minute bearing the initial of the Lord-lieutenant; and it ran as follows:*

"Gahan. Wicklow county. Request Chief Justice Doherty to furnish me with a copy of his notes in this case of Gahan's, as in the former one of Connor's, arising out of the same transaction (and when the trial was near the time when the events had happened). Mr. Justice Moore seems to have had so strong a doubt as to whether the police were in a state to identify Connors, that he recommended a free pardon; as this may not have come out on the recent trial, I wish to see whether they were corroborated. At the same time, inform the Rev. W. Gahan that I cannot approve of the tone of his memorial. I never receive anything in reference to any trial which I should not think proper to forward to the Judge; and, therefore, *I can never tolerate*

* Vide Q. 12,607.

any sneer, however slight, which would be offensive to him, and is therefore displeasing to me. M.

"18th April."

This minute and memorial were, it will be remembered, sent to the Chief Justice, with an official note by Mr. Drummond.* This was, it seems, done however by mistake, as it is denied by the Lord-lieutenant that he ever meant this memorial to be sent to Judge Doherty. But, however that may be, it appears to us totally beside the case; as the bad aspect of the affair consists, not in the paper being sent to the Chief Justice, but in its not being instantly returned to the memorialist; and in its being received, and practically entertained and acted upon, containing as it did a most insolent libel upon a Judge. The objection of the Chief Justice is made distinctly, and we think, most reasonably, not to the communication of the letter, but to the entertaining of it at all.† To this memorial, and to the minute of the Lord-lieutenant, the Chief Justice returned the following answer, having first, with the feeling that the whole Bench of Justice had received an insult in his person, submitted it to no less than five of the other members of the Irish Bench, for their approbation.

"5, Ely Place, 27th April 1836.

‡ "Lord Chief Justice Doherty presents his compliments to Mr. Drummond, and in conformity with the Lord-lieu-

* Vide Q. 12,604. † Vide Q. 12,619; 12,629.

‡ Vide Q. 12,616, page 1,019.

tenant's desire, as expressed in Mr. Drummond's note of the 21st inst., encloses a copy of his notes taken on the trial of Joseph Gahan.

" Lord Chief Justice Doherty begs that Mr. Drummond will express to the Lord-lieutenant the regret which, mainly upon public grounds, he feels that his Excellency should have thought it expedient to entertain, act upon, and forward a memorial containing a gross and insolent slander on a Judge, instead of returning, in the first instance, the calumnious document to its writer, and requiring him to expunge the slanders, and to put the petition into some less libellous and more decent form before he applied to the Lord-lieutenant to entertain or to transmit it.

" Lord Chief Justice Doherty hopes that the Lord-lieutenant has not intended, by a passage in his minute on this memorial, to characterize as merely 'a slight sneer' the imputing partiality, prejudice, and injustice to a Judge, in the discharge of his duties in administering the Crown Law; the writer of the letter adding, that such injustice was no more than he expected from the Judge.

" Lord Chief Justice Doherty has to apprize Mr. Drummond, that he has deemed it right to take copies of Mr. Gahan's memorial, and of the Lord-lieutenant's minute on it, on the possibility of his thinking upon reflection, that it may be prudent to have this offensive document acted on in some way calculated to protect the Judge from a repetition of such traducing and unbecoming treatment; and perhaps he may presume to add, calculated also to guard the King's representative from the indignity of being again converted into the instrument for conveying such an insult to one of his Majesty's independent Judges."

This was followed by a second minute from the Lord-lieutenant denying that he meant to tolerate

any insult to the Chief Justice. But this goes for absolutely nothing, as he had *bonâ fide* entertained and acted upon a petition containing as insulting expressions as could possibly be applied to so exalted a functionary.

Next comes a letter from Mr. Drummond, complaining of the Chief Justice's having retained copies of the offensive papers; stating, that such a step was contrary to practice, and requesting, or rather insinuating, for the request is not in express terms, that the copies should be returned. This request Judge Doherty refused; and his refusal is accompanied, and the correspondence closed by so severe, and at the same time so well merited a rebuke, that we cannot refrain from placing it before our readers in his own words.

* "Upon the whole, I beg respectfully to state that, on reflection, I feel I have been perfectly warranted in the course which, under very peculiar and novel circumstances, I adopted; and if it has occurred to his Excellency, that, 'this is the first time that such a step has been taken by a Judge,' I have to request that he will consider how probable it is, that this is also the first time that a Lord-lieutenant has been converted into the channel for conveying any such insult to the bench. I am happy to have received an assurance that a proceeding so unprecedented was contrary to the intention of his Excellency; but he will be pleased to recollect, that I had no ground for supposing it was so at the time when I took the copies in question, having then no reason to conjecture that the document could have been forwarded to me

* Vide page 1,022, last paragraph.

under any mistake whatever; receiving it, as I did, not merely in the ordinary official form, but enclosed in a note purporting to have been written by the Under Secretary of State, expressly mentioning 'that the minute of his Excellency on this the further memorial on behalf of Joseph Gahan was transmitted to me,' and receiving, together with that minute, the offensive memorial itself."

There are various other incidental circumstances connected with this case, that are calculated to add to its force, but we think it is strong enough without their aid, and we shall not, therefore, dwell longer upon it than to add, that this Gahan, together with his associate Bayly, were, within two months of the close of these transactions, discharged from custody with a free pardon.

We have now, we think, proved as clearly as it is possible for us to do, within the narrow limits that, for obvious reasons, we have prescribed to ourselves, the assertions with which we entered upon this important portion of the subject before us. We are perfectly aware, that the charges with which we set out were heavy and grave ones; but we now submit it fearlessly to the judgment of the public, whether they were one whit too grave, one whit too sweeping, for the occasion.

Here we have the directions of the Attorney-General to his subordinate officers, couched, to say the least of them, in such ambiguous terms that they could not possibly avail themselves of the Crown challenge of jurors without taking upon

themselves the invidious responsibility of each juror's character. We have, then, that Attorney-general denying in his examination, that he meant that which is the only construction that any man of sense could put upon the words in question, but at the same time admitting it to be his opinion that the custom of challenge on the part of the Crown is a bad custom, and that he has even some doubts whether the legal right of challenge belongs to the Crown. We have, in consequence of this loose mode of proceeding conjoined with the effects of the New Jury Law, an entirely new class of jurors introduced into the panels, and the panels themselves placed completely at the mercy of the Sheriffs, who may as the law now stands pack them as they please if inclined to do so. And we have the Sheriffs, to whom is thus committed such dangerous power, chosen throughout the country for party reasons, in many cases without their names being placed at all on the Judge's list. Further, we have the local magistracy insulted, and their dignity compromised by the Government. Their authority, instead of receiving countenance from the higher officers, is held up to the derision of the populace. Their motives are impugned—their solemn declarations are disbelieved—their information is slighted—their decisions are reversed—and they themselves are actually taunted with being the authors of existing misfortunes, of which they are themselves

the principal victims. But this is not enough. The concentrated power of the executive is not sufficiently established, so long as the authority of the Judges remains inviolate. It is necessary, therefore, that they too should be humbled. They are no longer even to be the arbiters of the law of which they have been declared by the constitution the chiefs. Their deliberate judgments are superseded. The gaols are opened by wholesale—the Lord-lieutenant in person opens wide the prison doors to vast bodies of convicted criminals, and lets them loose upon the country; and this is carried to so unparalleled an extent, that even he finds it necessary in common decency (bless the mark!) to give directions that they should not all be let out at once, but in gangs on different successive days—a most admirable and praiseworthy precaution. To crown all, memorials are received in favour of prisoners which contain most gross and unfounded libels upon the integrity of the Judge, and these memorials are acted upon with the mere observation that "*sneers*" against the bench could not meet with encouragement from *His Excellency*. Truly, the condition at which we have arrived is an enviable one, when such conduct as this, not only meets with approbation, but is considered worthy of promotion by a British Cabinet.

The next point that we have to consider, as it is noticed in the Report which it is our task to abridge

and concentrate, is the state of crime in Ireland as it exists at present, together with its sources and effects. In order to do this the more clearly, as well as concisely, we shall begin by marshalling the array of facts and opinions which the evidence affords, and then draw as briefly as possible the conclusions which are forced upon our minds by their perusal.

The great feature which accompanies the commission of crime in Ireland, and which proves most strongly the state of demoralization of the inhabitants in general, is the fearful prevalence of perjury. Captain Vignolles states,* that his experience within the last few years has satisfied him, "that there is very little regard to the sanctity of an oath among the lower classes in Ireland . . . a fearful and melancholy experience," says the witness, "that there is in every case in which I have been conductor or agent a total disregard of truth." We cannot do better than relate in this place an instance of the effects of this disregard of truth upon innocent but persecuted men.

A priest by the name of Walshe was reported to be murdered on the 30th of July, 1835, and a Protestant of the name of Archibald Sly was accused of the murder. The chief evidence against him was that given by one Corrigan, a policeman. This man swore that he heard a

* Vide Q. 4,008, 9.

conversation between Sly and two other men which proved the intention on his part to commit the murder. Yet he afterwards confessed, not only his own perjury, but that he had read over the various parts of the prepared evidence frequently to the other four witnesses against the prisoner, "for the purpose of enabling them to recollect what they had to say."*

The same witness states further with regard to this matter :—

† "There was one very remarkable feature in the matter, which was the confession of the parties. One of the parties made a very full confession, naming the individuals by whom he was instigated to this crime, describing the manner in which he had been prepared for the commission of it; and, I am bound to say it, that he was assured by his priests, that a person giving false testimony against a Protestant was doing rather a praiseworthy than a criminal act. This man was upon his trial, and he was about to plead guilty —I had it from himself—when a reverend gentleman seated immediately under him looked up to him, and told him not; and he did not."

This Corrigan and his four accomplices were all, at the following assizes, convicted of perjury and transported. The evidence by which this result was obtained was completely accidental;‡ and Captain Vignolles says, "had it not been, I do believe, for the circumstance of my having met those parties to whom I have alluded, the

* Vide Q. 8,808, &c. † Vide Q. 4,280.
‡ Vide Q. 4,157.

probability is that the result would have been very different." The parties here mentioned were the men who gave the first clue to the discovery of the truth: and but for the accident of this gentleman having met them, that innocent man would in all probability have suffered for a crime which existed only in the malicious invention of these perjured ruffians; for it has since been ascertained that the priest was not murdered at all, but was killed *by a fall from his horse in a state of intoxication.** There are several circumstances connected with this case which render it peculiarly important. We have stated it thus far as one instance out of many of the demoralized condition of the lower orders in Ireland. Now let us look at it in another light, and see what were the exertions of the Government in this flagrant case of perjury, to bring the guilty to punishment, and to assert the rights of persecuted innocence.

Captain Vignolles states, that, a few days before the trial of Sly, he communicated the information he had received, with regard to the conspiracy against that person's life, to Mr. Malony, Chief Magistrate of Police;† with the expectation that in case that information should prove correct, as it subsequently did, the trial would not be proceeded with by the Crown.‡ The answer he

* Vide Q. 4,267. † Vide Q. 4,161; 4181.
‡ Vide Q. 4,244, 6.

received from that gentleman was, "The Attorney-general has given me directions to proceed with the prosecution, and I will do it."*

Soon after he is asked:—†

"Did it not occur to you, when this chief magistrate told you that he had heretofore received directions from the Attorney-general to prosecute, to say, Will you not tell the Attorney-general what I have now told you?—*A.* I told him very seriously that I thought it his duty to do it; and that, if I had been in his place, I would have done so. *Q.* What did he say?—*A.* He said he would not."

And then:—

"*Q.* Do you know whether the chief magistrate took any steps?—*A.* No; I do not think he did."

After Sly had been acquitted, informations were taken against the witnesses; but when these informations were called for at the next assizes, "for the purpose of finding bills of indictment upon them, they were not forthcoming; . . . . . they had disappeared—how or whereby no one could tell; but they were gone."‡

The history of these informations is further stated by Mr. Geale:—

"The circumstances respecting the informations were somewhat curious. They were the informations taken from this Corrigan and the others; and they were left in the custody of the clerk of the Crown, the proper depository for all such papers; and the clerk of the Crown lost them in

* Vide Q. 4,186. † Vide Q. 4,234,5; 4,249.
‡ Vide Q. 4,159.

the town of Carlow; and we were forced to vary our proceedings altogether against Corrigan and his associates, and to indict them for evidence given in the case which we took notes of, and to state the perjury there; and not on the informations, which we would have done if we could have got them."*

By the loss of these papers, then, through the carelessness of a Government officer, who, it does not appear, received any reprimand from his superiors, if it had not been for a double set of notes taken, very fortunately, by *two* persons present, one of whom, contrary to all the chances, was able to identify the prisoners, the trials for perjury could not have gone on.† Mr. Seed, assistant to Mr. Geale, in his office of Crown solicitor, states,‡ that "there was a mystery about the loss of those papers that no one could understand; but that they were supposed to have been stolen, to frustrate the ends of justice." He further says, that the Attorney-general was perfectly convinced before the trial of Sly, that Ann Rooney, one of the chief witnesses, was guilty of perjury; and had actually directed her to be prosecuted for that offence, at the very time when he was still determined to proceed with the trial. He is then asked:—§

"*Q.* Did a case ever come before you, the principal witness in any capital felony having been proved guilty of point-blank perjury, of the prisoner being put on trial

* Vide Q. 8,793.
† Vide Q. 8,797.
‡ Vide Q. 10,470.
§ Vide Q. 10,481.

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‡ Vide Q. 10,470.
§ Vide Q. 10,481.

diminution even in the amount of crime which the Edinburgh Puff so unfortunately boasts. What says Lord Bloomfield as to the effect of intimidation in his part of the country?

* "I never took an information without fearing that the man who gave the information would be more likely to suffer than the person against whom it was given."

And again, what says Judge Crampton in his charge to the Grand Jury at the Spring Assizes in 1839? †

"Making every allowance, as I do, and recalling to my recollection that a special commission was held in this place (Thurles) a few weeks since, I cannot help saying that the mass of violence and blood appears to give to your county a fearful pre-eminence in crime, a disregard of human life, not alone beyond every other county in Ireland, but over every other part of the civilized world."

We think it would puzzle the Edinburgh Reviewer to find any such expressions as the above in Lord Roden's speech in the House of Lords, which he nevertheless pretends is not borne out by the evidence. Yet these at least are credible witnesses, and their judgment should least of all be gainsaid by those who have proved the respect in which they hold them, by appointing both of them to high offices of trust. As a corroboration of this respectable testimony, we have Mr. Drummond stating in his evidence, that in the years 1835 and 1836 there were no less than 49,913

* Vide Q. 13,200. † Vide Q. 13,469.

persons, exclusive of drunkards, who suffered imprisonment upon conviction in Ireland,* or, at the most moderate calculation, more than one in forty of the whole adult male population in the country.

The article in the Edinburgh Review, to which we have above referred, is so paltry, and its sophistries, to give them the most indulgent epithet, are so harmless, that we are almost ashamed to notice it. But there is no harm in exposing misrepresentation; for however apparent or barefaced it may be to persons versed in the subject treated of, the ignorant may still be misled and the credulous deceived. We cannot, however, forbear from wonder, that an article so completely devoid of the slightest shadow or pretence of authority, so garbled in its statements, so absolutely beside the evidence which it pretends to condense and fairly represent, should ever have been admitted into a publication which, in most cases, is conducted with judgment, and almost always with talent.

We have given above a very cursory review of the state of crime as it at present exists in Ireland. We now turn to that which, in point of fact, was the origin of the committee, namely, the general insecurity of life and property consequent upon that state of crime: and this part of the case we approach without the slightest misgivings, in spite

* Vide Q. 14,006.

of the specious argument which the reviewer places in italics, that "the value of property has of late greatly increased." We are not now about to enter into the causes of that curious fact, for it is a fact we are not disposed to deny; but we must say, that it is an argument that none but a person totally unacquainted with the present peculiar position of Ireland could have urged.

Colonel Kennedy, the first witness called, states with regard to the county of Longford, during the two last years he was in Ireland, that it was in such a state, that "a very large constabulary force, an additional military force, and magistrates, were sent into it;" that "there were so many houses attacked at night, that there can be no doubt the inhabitants would feel more alarm than in quiet times;" that "the two great purposes of attack were for arms and punishment."* By this latter term is to be understood revenge.

Major Warburton, another Government officer, says that Sligo "was a remarkably quiet county previous to 1835, and it has been a very disturbed county ever since. Several lives have been lost, and property has certainly been, to a great extent, insecure."*

A body of magistrates of the county of Westmeath, of all shades of politics, and of different religious persuasions, sent up the following memorial to the Lord-lieutenant in the month of January 1839.

* Vide Q. 300, 1, 2.

* " We, the undersigned magistrates of the county of Westmeath, attending at Quarter Sessions at Mullingar, having deliberately considered the present state of the county, beg respectfully and earnestly to submit to your Lordship, for his Excellency's consideration, the following resolutions:—That the system of murder, and of assault falling short of murder, often rather providentially than otherwise, has recently attained such a height in this county as to render life and property unsafe to all persons who from any act, however legal and equitable, may incur the animosity of a lawless portion of the community, who are secretly but firmly and widely combined to avenge all opposition to their self-constituted authority: That we have within a few weeks had awful instances that the peer, the man in middle rank in life, and the peasant, are all equally liable to the sanguinary vengeance of this deep-laid confederacy: That even where outrage has not prevailed so openly, there is reason to fear that the organization is just as complete and as ready to be drawn into action; and that it is with pain we confess, that so accustomed are we become to the frequency of crime, as to be hardly capable of duly estimating the atrocity of each particular offence: That all classes of society alike demand protection from a danger equally menacing to all; perhaps to none more than the lowest, who, with less ability to defend themselves from the consequences of drawing down the vengeance of the assassin, are in greater danger of making themselves obnoxious in many ways, as (if well affected) by refusing to join in the wicked confederation: That we deem it our duty, accordingly, to call on Her Majesty's Government to give us the power, not merely of exercising our legitimate rights over property, which we trust that we on all occasions exercise with a due regard to justice, but of enabling the well-disposed of the

* Vide page 181, 2, and page 498.

humbler classes to act as we believe their natural better feeling would often direct them, if not overawed by the knowledge that they are now existing on the sufferance of a reckless Association; for the smallest deviation they are in hourly danger of forfeiting their lives: That it seems to us that so desperate a state of things demands a remedy of the most energetic nature in itself, and calculated to prove to the leaders of the conspiracy that the law of the land is superior to their law, while the less morally guilty, because misguided, among them, may be led to see their error, and at the same time to find a shelter in a tranquillized state of society from the revenge of those whose cause they may be led to abandon: That with this view they would respectfully suggest that a general and simultaneous search for arms should take place, which, even if not very effective in the result, would be a demonstration of the executive being determined to put down this state of things, particularly when followed up by the punishment of those with whom unregistered arms may be found; in which cases we confidently calculate and rely upon the support by Her Majesty's Government of the decisions which it may be our duty to make: That such a course would at once produce a wholesome effect for the power of the law and of its local administrators: That we beg to declare our readiness to co-operate to the utmost in any measures which Her Majesty's Government may suggest to meet the exigencies of the times."

Mr. Kelly, one of the magistrates who signed the above paper, states, that "nothing short of open rebellion could be worse" than the existing state of things; which he illustrates by saying, that "a man was murdered in the presence of twenty or thirty persons, and no attempt made to

save him." * An appalling proof of the extent of the insecurity of life, of the low state of morals in the community, and of the inefficacy of the laws. This witness is asked:

† "*Q.* From your experience as a proprietor and a magistrate, can you mention any instances where you think improvements would have been carried on of late years, but which have been prevented by the insecurity of property? —*A.* I can mention an instance which occurred to myself. A tenant held from me upwards of one hundred acres of ground; he owed a considerable rent; he got into arrear; he was a man that was given to drink, and fond of going out at nights. I effected a compromise with him, in consequence of which he gave up half of his land, and I endeavoured to make him comfortable on the other half. Though he gave up between fifty and sixty acres, I have not since been able to dispose of it. Now, if I were able to let it, I would expend money upon it, and build a comfortable farm-house and buildings, and probably spend £200 or £300 upon it; but I can get no one to take it. Two or three have been with me about it. I have told them to go and look at the land; some have not come back; others have come, and told me that they had rather not take it—that they had been told not to take that land. *Q.* What is meant by a man being told not to take that land?—*A.* We understand it in Ireland that the people told him, if he took that land he might be murdered, or some notice has been served upon him. I can mention another very strong instance. A gentleman in my neighbourhood, of considerable property and station, has a portion of land which has been out of lease now four or five years, and he cannot dispose of it. *Q.* What quantity?—*A.* It is not a very large

* Vide Q. 6,259. † Vide Q. 6380 to 3.

quantity; it is near a village, and therefore is the more valuable; probably the land is twenty or thirty acres. He had turned out a tenant. But I could enumerate a hundred instances of that kind. It is called a common now; no one will take it. The gentleman does not reside in the county; he resides in the neighbouring county sometimes."

There are but few landlords in Ireland who could not bring forward cases of this sort as having occurred to themselves.

Mr. Uniacke, who lives near the scene of the murder of Lord Norbury, states that he has himself been several times denounced by the priest from the altar; and, in speaking of another gentleman who had incurred the same odium, he says:*

"In denouncing this gentleman, Mr. Bevill, Mr. Lucas, the clergyman of the parish, and myself, he told his congregation that if they had served us right when we went upon the land, they should have thrown us into a boghole, commencing a series of attacks which he has continued probably up to last Sunday."

In consequence of informations frequently received of a conspiracy to shoot him, he is obliged to go armed, and whenever he goes on his private business he has a policeman to accompany him.†

"It is the custom for magistrates in that part of the country to go armed."

In fact, he considers that his life would not be safe in the pursuit of his ordinary business unless he was

* Vide Q. 6,475. † Vide Q. 6,489.
‡ Vide Q. 6,495.

protected by police whenever he leaves his home.* Lord Norbury, before his murder, and Lord Charleville, have been also denounced. And after giving numerous instances, which our limits forbid us to transcribe, this gentleman winds up this part of his important evidence by a comparative statement with respect to former times, which greatly enhances the value of his previous facts.†

Mr. Wetherall gives an instance which, as illustrative of the general nature of Agrarian outrages, we quote:—Some persons in the King's County had been turned out of their holdings for non-payment of rent, and as the season of the year was inclement, were allowed to stay in their houses by the humanity of the landlord till spring. In the mean time, in opposition to his directions, they sowed the land. Eventually they were put out, and the houses pulled down.

‡ "When harvest time arrived, Mr. —— having with great difficulty induced labourers to reap for him, the crop was cut; which was no sooner accomplished than a mob came, and with stones drove away his workmen, and carried off the crop. . . . . The farms from which the tenants were ejected are still unlet, and no tenant has even proposed for them; they have been unoccupied three or four years. . . . . It is perhaps rather remarkable that, although there was an understanding with the remaining tenants that their farms were to be increased by the addition of those from which the tenants had been ejected, eventually they de-

* Vide Q. 6,493. † Vide Q. 6,554.

‡ Vide page 533.

clined the additional lands allotted to them, stating that they were afraid to take them, *as the priest had spoken publicly of the matter at the chapel, and had desired that no one should take any part of the lands.*"

Mr. Kemmis, again, on whose evidence, by the bye, the Edinburgh Reviewer lays much stress, and who throughout his evidence would feign avoid, as far as he can apparently, any statement of opinion that might appear hostile to the Government, states:*

"I think in Tipperary there is part in which I would say, in consequence of the Agrarian disturbances, a man's life would not be perfectly safe, if he did with his own property as he thought fit."

Mr. Barrington too, Crown Solicitor for the Munster Circuit, mentions the murder of Mr. Waller, Lord Stradbroke's steward, in the county of Limerick, and says;†

"I rather think there were persons present when he was fired at. I think he was fired at in a field in the middle of the day. I am sure every one of them knew the assassin. I do not believe there is an outrage committed that fifty people do not know of it, as I before stated; but they will not come forward to prosecute." . . . .

For this murder there has been no trial, for no evidence has ever been obtained. Mr. Barrington gives a great many other instances which we are constrained to pass unnoticed.

Mr. Geale, another Government Crown Solicitor, says, that evidence was much more easily

* Vide Q. 6,845. † Vide Q. 7,688.

procured before 1833 than it is now.* He refuses to account for this fact, and, we think, very wisely for his Whig patrons.

Mr. Tabeteau, Stipendiary Magistrate for Tipperary, appointed by Government, says:—

† "I cannot say that there is much security when a gentleman exercises his right of property now; and I think any one who exercises his rights of property runs a great risk."

Mr. Finn, himself a Roman Catholic, the only one upon the jury who acquitted Sly at Carlow, states, that the reason more Roman Catholics did not serve upon that jury was, that they were apprehensive "very few men had the moral courage to appear in the Court upon the occasion at all;" they thought "if they should concur in a verdict of acquittal of this innocent man, they would not be safe in the county."‡ That these apprehensions were well founded have been proved by the sequel of the witness's personal history.

§ "I have been threatened," says he, "so far as the shouts and the yells of the rabble in the streets, and by repeated injuries done to my premises. I live just adjoining the town, and my outside doors have been chalked and disfigured with odious and insulting appellations, and death's head and cross-bones, and the curbstones thrown off the wall of my premises; and I have been repeatedly held up by inflammatory productions and songs of a libellous and slanderous character."

* Vide Q. 8,602.
† Vide Q. 9,665, 9.
‡ Vide Q. 10,528, 9.
§ Vide Q. 10,562.

He was afterwards accused of a crime of which he was not only innocent, but wholly ignorant. He prosecuted the witness for perjury, who "subsequently confessed his guilt," says the witness, "and gave the full particulars of the whole, as being a regular plot and contrivance for the purpose of annoying me." He was actually afraid to go to chapel for fear of being publicly assailed by the priest,* and has not gone there for six or seven years, although previously he was a constant attendant. We are yet to learn how much there is of security either to life or to property in a country where such a lengthened system of annoyance as this could be carried on with impunity against a harmless and useful member of the community.

Again, Mr. Riall, Mayor of Clonmell, gives it as his opinion that in that town houses are frequently robbed, and other outrages committed to an extent which induces him to think that there is there no security for property. We have no room for the details which he mentions, for which we must, therefore, refer our readers to the evidence. It is a case of peculiar importance, as showing what are likely to be the effects of the new Municipal Bill should it unfortunately pass into a law.

The next witness who testifies more particularly to the state of crime is Lord Donoughmore,

* Vide Q. 10,609, 10.

to whose evidence we have already had occasion to refer. We should not, perhaps, have thought it necessary to quote the further opinions and facts adduced by this witness, were it not for the insolent and fallacious boasts of the Edinburgh Review with regard to the returns of crime. As it is, we shall treat them with the utmost brevity.

* "Do you consider," he was asked, "the county of Tipperary to be in a better and more satisfactory state of tranquillity at the present moment than it has been for the preceding years of 1835, 1836, and 1837?—*A.* I am very unwilling to give an opinion, but I will state a fact: the number of inquests held in the county of Tipperary in the year 1837 were 114; in the year 1838 they were 229; my opinion is, that the county is not in a progressive state of improvement in tranquillity from that fact."

Again:—

"In looking over the returns, I find that in the year 1837 there were no less than, I think, three or four and twenty capital convictions, and six were executed, and I think about sixty were transported for different periods; whereas, when I go to the succeeding year, the year 1838, I find that there is not one single capital conviction; whereas, again, in the year 1839, at the Spring Assizes, there were, I think, two or three."

In other words, though the amount of crime is much greater from year to year, the amount of punishment is positively nothing. The noble Lord also gives an instance of the security of life in the person of one of his immediate neighbours.†

* Vide Q. 11,997, &c. † Vide Q. 12,062,3 ; and 12,105.

"*Q.* Did your Lordship hear of any facts from any magistrates concerning Col. Purefoy, who resides in the barony of Kilnamanagh, lately?—*A.* I have heard, within the last six weeks, a conspiracy was discovered of eleven men having been lying in wait to murder him, though he never moves without three policemen; they are quartered in his house, and have been for years..... His life has been frequently attempted; he has been fired at on his jaunting-car, even with the police riding with him."

Again:—

"*Q.* Is your Lordship aware of a resolution made by the gentlemen of that part of the county, not to go out late at night?—*A.* They told me they had come to a resolution at a meeting not to dine out, unless they slept at the houses where they dined, from the distracted state of the county."

As a proof that it is not to the payment of tithe only that an objection exists in that part of the country, we give the following case, as stated by the same witness.

* "Has your Lordship been applied to by a Baronial Cess Collector for assistance in the collection of the county taxes lately?—*A.* I was within the last month. *Q.* Be pleased to state the case?—*A.* I received a letter from a man of the name of James Flaherty, the collector of the County Cess of Western Iffa and Offa Barony, stating to me that the amount of his collection was 8,180*l.* odd; that he had collected only 74*l.* or 84*l.* of that; that the police, which he had hoped would assist him in collecting the County Cess, had been taken away from him; and unless he had some protection afforded him, he would not be able to get the money in; that he had been attacked, that his life had been threatened on the Earl of Glengall's estate,

* Vide Q. 12,108, 9.

where he had attempted to collect the cess; and requested I would apply to Government to get the assistance of the police to enable him to collect it."

Again, if we wanted any proof of the fact that this insecurity of life and property applies mainly to the unfortunate Protestant population, we have all that can be looked for in the single case of Lord Lorton. There were nine respectable Protestants introduced upon his estate in the county of Longford by that nobleman, all men of respectability and considerable capital, and against whom there was never any cause of offence alleged but their religion; and of these, within a very short space of time, as appears in the evidence of that noble Lord, four were murdered, two severely wounded, and the property of the other three destroyed; and some of these acts were perpetrated in the broad daylight.* Lord Bloomfield also, after giving the account of a threatened attack on *Lord Cloncurry's* agent and his own, is asked what he supposed to be the grounds of these threats? The answer to this question will, we think, be allowed to be of pregnant import, even by the most wilfully blind adherent of the Normanby administration.

† "None," says he, "but the usual grounds of hostility in that country to all landlords and all agents who enforce the payment of rent, or take any steps in cases of ejectment."

* Vide Q. 12,860. † Vide Q. 13,174.

His Lordship concludes his evidence on this subject by an account of a gentleman having been fired at on his return from a dinner, where he himself dined, and the consequent advice which he received "not to expose himself more than necessary, and not to go out at night."*

Here we should be inclined to let the matter rest, were it not, as we said before, for the vapouring of the Edinburgh Review. But as that publication lays so much stress upon returns, we must have one more word to say upon that subject. Mr. Geale† gives a return of the number of cases prosecuted, convicted, and acquitted, on the Home Circuit, in the years 1836, 1837, and 1838, respectively. The result of this comparative statement is—that in 1836, there were 185 cases prosecuted, and 137 convictions; in 1837, there were 211 cases prosecuted, and 155 convictions; in 1838, there were 232 cases prosecuted, and 162 convictions. Thus showing a gradual increase from year to year of cases prosecuted in that circuit of from 10 to 15 per cent. This result is of course much enhanced when it is considered that at the same time the number of prosecutions were diminished when compared with the returns of crime. But the strongest cases are afforded by Mr. Drummond's own returns. Return F. is, "An Abstract of the number of Committals and Convictions returned in the Appendix to the Annual Reports of

* Vide Q. 13,214 to 6; and 13,165. † Vide page 667.

the Inspectors-general of Prisons in Ireland, from 1826 to 1838 inclusive." The comparative numbers of committals as therein set forth are:

Mean number of committals for 1826-7-8	16,153
Do. Do. for 1836-7-8	23,858
Showing an increase in the three last years over the former, of no less than	7,705

Again, Return G. is, "A comparative statement of the average total number of Offenders returned by the Inspectors-general of Prisons for the same years, distinguishing the offences." The result of this Return is no more satisfactory to the Government than the last:

The mean of the three first years is ...	16,145
of the three last years ...	23,346
Showing an increase in the latter, or during the period of Lord Normanby's Government, of	7,201

Return H. is put in to soften down as far as possible the results of the two last. It is, however, a somewhat laughable device to have been resorted to by *practical men.* It purports to show what would have been the mean of the three former years if the population had been the same as in the three latter years; and *vice versâ.* But we are willing to allow these quibblers the advantage of this special pleading, since they require it. What is then the result which they themselves draw under the above imaginary circumstances? The reader doubtless supposes that in this fine-drawn

case at least the time of the Government arithmeticians has not been spent in vain. But no such thing; far from it. It appears even here that there has been a net increase of offenders in the three years of Lord Normanby's government, even upon this liberal and novel mode of calculation, of 4,897, or nearly 27 per cent.

With these things before our eyes, we really are surprised to find the ministerial scribe, (we rather suspect it was Mr. Drummond himself,) laying so much stress upon the value of returns whose testimony is so fatal to their interests. So much for these calculations, which we have only been induced to notice at all on account of the misrepresentations contained in the article to which we have alluded. We are ourselves disposed to allow a very limited measure of authority to such documents; they are a specious, but, at the same time, in our opinion, a most deceptive, or at least an uncertain mode of defence. For, in the first place, these Returns have been made at different periods, and upon quite distinct principles; and therefore, as they are calculated to show different results even upon the same facts, they cannot be fairly placed as data from which to draw conclusions as to a general argument.

We apprehend that if drawn up upon similar principles they would give a still stronger result than they now do; but that they can be so drawn up seems to us utterly impossible, and in this

opinion we do not stand unsupported by sound and practical men. As a small proof, or rather as an explanation of what we mean, we take two columns of Mr. Drummond's first Return, entitled, "A Return of Outrages reported at the Constabulary-office, as having occurred from the month of July 1836 to the month of April 1839 inclusive." In the list of various offences against the person therein enumerated, we find two columns under the heads of "aggravated assault," and "assault endangering life;" thus,*

	Aggravated assault.	Assault endangering life.
From 1st of July to 31st of December 1836	505	—
From 1st of January to 30th of June 1837	423	—
From 1st of July to 31st of December 1837	503	—
From 1st of January to 30th of June 1838	412	—
From 1st of July to 31st of December 1838	243	158
From 1st of January to 30th of April 1839	173	117

Thus Mr. Drummond, or any other equally candid supporter of the Government, might produce the first of these columns to prove that during the period between the 1st of July 1838 and the 30th of April 1839, the total amount of aggravated assaults had decreased by one-half; whereas the real fact is that they had not decreased at all; a

* Vide page 1,082.

vast number of those cases which had before been placed together, by persons who were above having recourse to such paltry arts to mystify the public, having in the latter period been arranged under a different head, and transferred to another column. We give this as a single example. We might produce many more of the same kind, but one is enough to illustrate what in fact is sufficiently notorious, namely, that nothing is more easy than for persons so inclined, if we may use the expression, *to pack* returns of this kind.

It is stated by Colonel Kennedy, that " the reports of outrages since the organization of the constabulary force under the new Act have only been embodied in general Monthly Returns since July 1836.* The witness was then asked, whether in the Returns of former periods the same crime was not frequently entered under different heads. The answer is as follows :—

† " Since April 1837 the Returns were made out under the immediate superintendence of the Inspector-general or one of the Deputy Inspectors-general. The difficulty of making out a uniform system of Returns consists, I conceive, in this: a house may be attacked by a party of men; the house may be broken into; murder, incendiarism, beating of persons, robbery, and a great many other crimes may be committed in that one act of that one party. Unless great care is taken in making out the general Return, and a uniform system adopted, one person might report the whole attack as a great many crimes, or as two or three, or only as one."

* Vide Q. 413. † Vide Q. 415.

He further states, that Returns made even upon the same system, but by different persons, cannot be compared with any hope of an accurate conclusion.

* "For instance," says he, "the Return that appears in January 1838, as compared with the Return of January 1839, I should have considered a fair comparison of crime; but if another person filled up that general Return he might take a very different view of the subject, and while I made one attack upon a house one crime, he might have made it three or four. It is liable, therefore, to all that explanation before one general Return can be compared with another."

The conclusion arrived at upon these premises by this witness, who of all others is the man whose authority ought to carry weight upon such a subject, he having himself organized the present police force entirely, and commanded it for two years, is thus stated in direct terms:

† "I do not think that the Returns I made, compared with the returns previously made, could be considered a fair comparison."

This opinion is also entertained by his coadjutor, Major Warburton. He says:

‡ "I do not think any accurate account could be furnished from a comparison of the reports of committals and the police reports, in the manner in which they are now collected."

Another reason, which is a strong one to our mind of the fallacy of producing these Returns of crime as a criterion of its present extent in comparison

* Vide Q. 418. † Vide Q. 419. ‡ Vide Q. 1,299.

with former years, is that the nature of the crime has very materially changed during the periods to which they refer. For instance, no one denies that faction fights, party processions, &c. which formerly led to breaches of the peace, have much diminished of late years. But this result has been obtained, not by any superior vigour on the part of the Government, nor by an increased activity of its officers, but from the salutary effects of two Acts of Parliament—for which we are perfectly willing to give them all the credit that is their due.—One, the Bill which empowered magistrates to make summary convictions.—The other, the appointment of the present police force. These two, together with several other minor regulations, such as the fine for drunkenness, and the new power given to the police to shut up booths at fairs at a certain hour, have no doubt produced a very great alteration in the amount of certain sorts of crime which arose before from the want of this useful power on the part of the magistracy and the police. But, while these crimes have diminished, those of a more serious nature have increased.

* "As far as the Gazettes and the Hue and Cry are to be considered authorities," says Captain Vignolles, "I should say that the grave offences have increased most fearfully."

Agrarian and combination outrages have taken

* Vide Q. 4,000.

the place of drunken brawls and family feuds. It is absurd to say that the murder of a clergyman or of a peer is the same class of offence, or that it arises from the same causes as the comparatively trifling breaches of order which nevertheless serve to swell a comparative statement. These latter crimes were the results of temper and excitement. The former arise from cold-blooded malice and are arranged with all the careful nicety which previous consultation can give them. Instead of a momentary ebullition of individual passion, which disappeared in most cases with the fumes of the whisky which occasioned it, and could by no means be said to involve any principle dangerous to the national welfare; we find a well-organized conspiracy against the rights of property, landlords defied in the commonest exercise of those rights, and the law set at naught by the extent of the system which prevents the possibility in most cases of bringing the offenders to justice. In short, the commonest bonds by which society is bound together are burst asunder, without the Government being able, or at least without its proving its ability, in any signal instance, to put a stop to the grievance, or to afford even personal protection to the injured party.

But there is also another manner in which certain of these Returns, upon which the Government lay so much stress for their own purposes,

although they must know perfectly well how shallow is the artifice which they make use of in doing so, are still more fallacious. Those to which we now allude are the Returns of Committals and Convictions: and although we have ourselves referred to them, we state distinctly that we do not mean to rest one particle of our case upon their evidence. We only quote for the purpose of refuting them. These, so far from proving a decrease of crime in the ratio of their own decrease, afford the most alarming evidence of the dangerous abyss upon whose verge we are tottering. It is surely a new mode of arguing a decrease of crime to state how few criminals have been brought to justice. At the time when Sligo was in the worst state that it has been in for twenty years,* which was the period immediately succeeding Lord Mulgrave's visit, there was not a single conviction at the Assizes, and the amount even of committals bore no comparison whatever to the outrages which occurred daily, of the most heinous nature, and in the most frightful numbers. Here and in other parts of the country assassinations are committed in open day, in the sight sometimes of many hundred spectators, and yet no witness can be found to testify to the commission of any crime. In our opinion one case of this nature is more pregnant with mischief to the community, and consequently of greater

* Vide Q. 2,471 to 5.

general importance than a hundred petty personal quarrels, which, however, when placed in the Government Returns, serve to prop up their credit by the three units by which their aggregate is expressed in the multiplication table.

There is only one more matter connected with this part of our subject which we think it necessary to touch upon, and that is the oft-repeated boast of the Whig speakers, as well as writers, with respect to the amount of the army stationed in Ireland. They say, how can it be true that the country is in so unsatisfactory a state as it is represented to be, when we are daily sending away troops which we have no further occasion to retain? Now we think it might be fairly argued that the urgent necessity for the presence of troops in other quarters is the reason of this withdrawal of them from Ireland, and not that they are the less wanted in that country. But this argument we are, for the present at least, content to drop, reserving at the same time the right to use it, and are prepared to rest our case upon the mere fact, whether the assertion itself is true or false. We are in a position to prove that it is totally without foundation, and that from no less an authority than a Government Return. The Appendix to the Report which we are considering, and which is by no means the least valuable part of it, contains "Returns respecting the amount of Police Force, and the number of Effective Troops, in Ireland, on the

first day of January in each year, from 1828 to 1839 inclusive." * We have not room for the whole Return, but we give the comparative statements for the year 1830, when the Whigs came into office, and the year 1839, when the Committee sat:—

In the year 1830 there were in Ireland of police officers and men	5,932
In the same year there were of military of all ranks, including artillery	20,495
In all ...	26,427
In the year 1839 there were of police as before	8,416
Of military as before ...	16,324
In all ...	24,740

Giving an excess in 1830 over 1839 of 1,687 men.

This is the whole amount, then, of the numerical reduction that has been effected during the above period, and which has been thought of sufficient importance to outweigh all other evidence. The fact is, that as the military has been withdrawn, the police force has been gradually increased; and we should almost be content to leave it to the candour of Lord Normanby himself to say, how superior is the efficiency of even a small body of the latter over the former among an agricultural population: our own opinion is, that a single police station consisting of five or six

* Vide page 1,385, 6, Appendix.

men, is more capable of repressing outrage than a whole company of soldiers. The police are at the disposal, in a great measure, of the local magistracy, the services expected from them are of a general nature, they may be employed upon any emergency; and from their being generally stationed in the same district for some time, and constantly in the habit of patrolling, not only every road and by-path of the country becomes known to them, but they attain a knowledge of the characters of individuals, and of the whereabouts to look for a suspected person, which greatly diminishes the chances of impunity to the criminal. In all these respects the best troops are utterly useless. However efficient in the field, they cannot be employed at all in any thing of a civil nature without great responsibility on the part of the magistrate; much delay in bringing them to the scene of action; (for till called on by the authorities they have no business out of the barrack-yard;) and above all, without exciting a most unpleasant feeling on the part of the inhabitants, who, however they might be disposed to yield obedience and respect to the police, have always a very natural antipathy to martial law. We affirm, therefore, that the comparative efficiency of these two species of force is so essentially in favour of the police, as more than to counterbalance the small inferiority of numbers which, after all the Government boasting, turns out, as

we have shown, to be no more than sixteen hundred and eighty-seven men.

For the reasons which we have stated, we think it quite unnecessary to contradict further the various assumptions based upon these flimsy premises by the Government apologists. They are, it appears, very eager to draw comparisons with past times, and unfortunately they have good reason for doing so, as the times to which they refer, with so much exultation, have been characterized by rebellion and frequent bloodshed. But they, one and all, shrink from a positive delineation of their actual condition; and endeavour to palliate their own misrule by raking up a long list of the faults and mismanagements of by-gone generations.

In spite of all that may be urged to the contrary, we maintain then that the assertions of Lord Roden, with respect to the fearful amount of crime now existing in Ireland, in his speech in the House of Lords on moving for this Committee, have been fully borne out by the evidence which he adduced in their support. We find it proved by credible witnesses, whose melancholy experience is in too many instances founded upon personal suffering, that in very many parts of the country her Majesty's peaceable subjects, many of them of high station and great wealth, are living in hourly danger of their lives. Agrarian outrages are not only confessed to exist, but the motives

which actuate their perpetrators have been actually palliated by the avowed sympathy of the Queen's representative in that country. Perjury exists to such an extent, that there is no longer any protection for the innocent, any fear of punishment for the guilty, any confidence in truth, or any moderation in falsehood. The criminal does not, as in other countries, stand in need of concealment. He here becomes a child of light, and not of darkness. The open day is the time chosen for the perpetration of the most astounding crimes, and a crowd of spectators is necessary to satisfy the audacious ambition of the murderer and the felon. Instead of crime having decreased in amount or in quality, as a return for two years of concession, we find the sum total not materially diminished, and the nature of each offence changed generally from a simple and sudden quarrel to a predetermined outrage, from the foolish ebullitions of drunken unconsciousness to the mischievous outbreaks of deliberate and fostered discontent. There is a systematic endeavour among the disaffected to procure arms at any risk, and a life is not considered more than a fair equivalent for a musket. Combination is carried to a fearful extent, and is applied without hesitation and without limit to the basest purposes of secret but malignant private revenge. The rights of the citizen, the elector, the juryman, the Protestant, the landed proprietor, are equally set at naught. And lastly,

if, by any chance, a criminal is apprehended, and sufficient evidence is procured to effect a conviction, by the fatal lenity of him in whose hands was vested the power of mercy, he is let out again upon society without punishment, a living encouragement to future offenders, and a confirmation of past impunity.

Thus far we have been considering the state of crime as to extent and as to its effect. It now only remains for us to show its causes as they are developed in the evidence before us; and this we shall do with the utmost brevity, as our remarks and quotations have already run to a greater length than we originally intended. And first, we shall endeavour to show, that they are not to be ascribed, as the Government speakers and writers would fain lead the public to believe, to any misconduct on the part of the landlords. To enter upon this subject in all its bearings would involve a review of the whole social condition of Ireland. We should be under the necessity of explaining the nature of the connection between landlord, middleman, and tenant; a connection different, we believe, from anything that exists elsewhere, which has in past times been productive no doubt of most of the evils under which the country is now labouring, but which has been of late years much less mischievous in its working, partly from the effect of judicious enactments, and partly from the increased attention paid by the pro-

prietors of estates to their present condition and future improvement. This, however, it is not our intention to do. We merely wish to show that the body of landholders, properly so called, namely, those who hold land immediately under the Crown, so far from being fairly chargeable at this time, either with neglect on the one hand, or with unnecessary harshness on the other, are, on the contrary, eagerly exerting themselves to raise the condition of the lower orders; that they are doing this at great pecuniary loss to themselves, and in spite of the most serious obstacles from the perverse prejudices of the people; and that, so far from receiving any personal benefit from these laudable courses, they not unfrequently become the victims of senseless clamour, stirred up and kept alive by those whose interest it is to preserve the ascendancy of ignorance and superstition, and to deaden that wholesome spirit of inquiry which is the parent of improvement, and the guardian of civil and religious liberty.

We have no doubt that the evidence which we shall quote upon this point will somewhat surprise English ears. Accustomed as they have been to hear Mr. O'Connell and his minions constantly reiterating their coarse abuse against the landlords of Ireland, they are no doubt considered by many to be a race of unprincipled tyrants, totally devoid of all sympathy for distress, and fond of oppressing

the defenceless and grinding the poor. But what says Major Warburton on this head?

* "*Q.* You consider that the duties of property have been attended to in Ireland?—*A.* Latterly very much. *Q.* Even in the most disturbed districts?—*A.* Generally. ..... I know there are a great number of estates in Tipperary that are admirably managed, and on which there are great improvements. ..... I make no exception with regard to the landlords, &c."

In the often-bruited case of Lord Lorton, whom in spite of the public protestations of his other tenantry that he is one of the best landlords in Ireland, Mr. O'Connell has chosen to honour with his severest animadversion, what says this high authority?

† "*Q.* Can you explain what the proceedings have been upon that estate," in the county Longford, "which have led to its present condition?—*A.* I know that when Lord Lorton got possession of that estate it was very much overpopulated, and that he took means to get rid of the population, and at the same time to do it with the least possible injury to the parties; he did succeed to a considerable extent, and he then wished to introduce tenants who would introduce a new system of agriculture upon the estate; and the first of those was a remarkably intelligent man, who would have been most valuable if he had been suffered to continue, but he was murdered in a very short time; and I think that the number of four have since been murdered upon the same estate, similarly introduced, and attempts made to murder four others. *Q.* With respect to those persons who were ejected, what measures did Lord Lorton take,

* Vide Q. 1,309 to 20. † Vide Q, 1,348, 9.

or did he take any, in providing them with shelter and subsistence?—*A.* They all got allowances of one kind or other; some were allowed to carry away their crops; others were allowed to carry away all their little property, even to the timber of their cottages; and in cases where they were impoverished they got sums of money."

All the persons dispossessed received legal notice, besides long previous verbal notice, explaining to them that they were turned out of their holdings, not for personal reasons, but because the land was unable to support them.*

"Was the property," the witness is asked, "in a very wretched state in consequence of the manner in which it had been cultivated and managed previously to that?—*A.* I happen to recollect discussions upon the subject at the time, and I believe it was scarcely capable of paying itself; it was in a most wretched state of poverty; the tenantry incapable of cultivating the land or of paying rent."

In point of fact, it was the desire and the determination to improve this neglected property, that has brought down upon Lord Lorton all the unfounded and calumnious charges which designing malice could suggest, and superstitious bigotry be persuaded to believe. Perhaps it may be well that we should give the reasons as stated by Lord Lorton himself, for his proceedings in the case. He says: †

"The property was in a great state of discomfiture, it was in a very impoverished state; it had been let, by Sir Thomas Featherstone, to what are called in Ireland middle-

* Vide Q. 1,355. † Vide Q. 12,822, and 4, &c.

men, or one or two, who had again re-let it to a great number of poor people; these cut it into small portions, so that in fact it was divided and sub-divided over and over again, till it was covered by such a description of people as were perfectly incapable of holding ground, scarcely any one of them being able to stock the land. When the lease fell in, some time after, it struck me that it would be immediately necessary to do something for the relief of the people, and for the improvement of the property, let the expense be what it might to myself. *Q.* Were those tenants turned out by your Lordship without any pecuniary or other assistance, or were they turned out under an arrangement which was beneficial to them?—*A.* They were turned out under an arrangement which, in every point of view, must have been beneficial to them and to the property at large. *Q.* Will your Lordship have any objection to state what that arrangement was?—*A.* The arrangement was, by giving considerable sums to those who were selected as being unable to hold ground; in fact, they were taken from the very poorest; and previously to their being put off and receiving their money, I directed my agent to have a receipt drawn up as an acknowledgment on their part; for I always felt apprehensive that designing people would get among them, and after the whole thing had been accomplished, would endeavour to make them dissatisfied. No man likes to leave ground, particularly in Ireland. Being aware of that, I desired that there should be a formal document drawn up on their receiving certain sums of money; and I will read the paper drawn up for them to sign on their receiving the money:—'It having become necessary for Lord Lorton to direct certain changes to be made on that part of his Lordship's property in the county of Longford called the Ballinamuck estate, and from the number and very small extent of our holdings, as we were informed by Mr. Courtenay, the agent, it became necessary that we, whose names

are hereunto annexed, should give up possession'—I must observe they had no leases whatever; no more legal hold of the ground than any person here;—'we do hereby admit that we have willingly done so, and that the treatment we experienced on leaving the land was kind and liberal, and admit to have received by his Lordship's desire the sums attached to each of our names, with which we are satisfied.' A great number of pauper families were disposed of in that way."

The sums here alluded to which each person received amounted to from three to fifteen pounds, and these were presents in addition to large arrears of rent. In the place of these pauper tenants several persons were introduced upon the property, whose superior knowledge and capital, the landlord thought would be productive of benefit to the estate, and a useful example to the other tenants. The fate of these unfortunate men we have alluded to under a former head. Lord Lorton afterwards states, when asked whether he had introduced these men upon the estate upon the principle of putting Protestants in the place of Roman Catholics,*

"I have had property in Ireland for about forty years now, and I never made a distinction in the whole course of my life. I never put out a man on account of his being a Roman Catholic; it is very well known in the country that I never did; nor ever introduced a man because he was a Protestant."

The number of Protestants introduced in this

* Vide Q. 12,849.

instance was nine, and the witness expressly states that, as the others were perfectly incapable of holding the land from their poverty, he must have gone out of his way to look for Roman Catholics, which he confesses, and with great reason, he did not wish to do. There were nineteen Roman Catholics left on the land, and these had their farms enlarged.* In consequence of the clamour raised against Lord Lorton by Mr. O'Connell, in Parliament, and elsewhere, on account of these transactions, an address was presented to that nobleman from his tenantry in the county of Roscommon, complimenting him on his conduct towards them as tenants, Roman Catholic as well as Protestant, and expressing, very strongly, their feeling of the way in which he had been treated "not only there, but also in a place not far from where we are now sitting; they were very indignant at it." In a very few days this address received upwards of 1000 signatures, and there were not 100 Protestants among them all.

"The mass," says the noble Lord,† "were Roman Catholics, and the best feelings have always existed between us; on various elections they have firmly supported my friends, and have suffered much persecution for their attachment to their landlord; some of them have been very much injured, and upon one occasion a man lost his life."

We have stated this case at some length, be-

* Vide Q. 12,844 to 7. † Vide Q. 12,888.

cause it is the one which has been most frequently brought upon the tapis, and we may suppose that those who attempt to blacken the character of Irish landlords, would avail themselves of the strongest case that they could find. We wish it to be distinctly understood what are the real bearings of that case, therefore, upon which they lay the most stress. According to the evidence which we have recounted, then, what do the facts of this case prove? That, instead of making invidious distinctions between Roman Catholics and Protestants, a number of paupers of bad character were got rid of for the purpose of being replaced by men of industry, knowledge, and capital; and those who were retained, being all Roman Catholics, and more than double in number of those of the other persuasion who were introduced, had their farms enlarged, and themselves placed in a condition of increased comfort by pecuniary assistance; that, so far from unnecessary harshness having been used towards those who were turned out, they all received ample notice, and each of them a sum of money; in return for which they severally signed a paper declaring that they had been treated, under the unavoidable circumstances of the case, with kindness and liberality; that, instead, in short, of the whole proceeding being the result of any unworthy motive, or of political or religious preference, it was done with the single view of benefit-

ing the parties themselves, and that at a very considerable pecuniary sacrifice on the part of the proprietor, whose feelings, and acts, and objects have been so grossly maligned to serve the sordid purposes of an unprincipled faction.

But it is asked, with some show of plausibility, by the Government partisans, why is it that there are so many ejectments in some parts of the country? To this we answer, that, even supposing that the head-landlords were answerable for all these ejectments, they yet give a very false idea of the real state of things. If one tenant is to be got rid of, every sub-tenant in possession of any part of the land must be served with an ejectment; so that perhaps there may be twenty or more necessary to dispossess a single tenant, if he happen to hold a large farm with a number of cottiers upon it. In many cases these ejectments are a mere matter of form; and in many more, when they are served for non-payment of rent, they are never put into execution, because the person served with notice pays the amount due before the legal period has expired. Surely it is not to be maintained for a moment that this sort of proceeding has anything in it harsh or unnecessary. He who argues that it has, must at the same time deny the right of any creditor to institute legal proceedings against a debtor to recover a sum lent or due on account of a trading transaction. But we are prepared to take even still higher ground than this;

for most of the ejectments are served by the tenants themselves upon their cottiers, and with these the landlord has nothing whatever to do, and is sometimes totally ignorant of their existence. What says Mr. Tabeteau, stipendiary magistrate of the county Tipperary, the very county in which the number of ejectments is most complained of—*

"I think there is a great deal of tyranny and harshness by farmers, both to their labourers and cottier tenants; they exact the rent to the very last farthing when a man gets into arrears; and in almost all those cases of ejectments, what appears to be harshness on the part of the landlord is really harshness on the part of the middleman; the middleman lets it to other persons, and the landlord is obliged to serve them all with ejectments; in order to put out the immediate tenant, they must be all put out to get back his property."

This gentleman states too, that from such cases as have come to his knowledge, he "cannot point out an instance of a landlord acting severely." "If there is any tyranny," says he, "it is by the middlemen; they are the tyrants."† And, be it remarked, that, especially in the part of the country to which the witness alludes, these middlemen are almost invariably Roman Catholics.

We have also the testimony of Mr. Howley, a Queen's counsel and assistant-barrister in the same county. He says, "I have had some cases certainly of middle-landlords, what are called middlemen, where I thought there was harsh-

* Vide Q. 9,901. † Vide Q. 9,895 to 8.

ness and oppression; but with respect to head-landlords, such cases have not come before me."*

We cannot help transcribing in this place part of the evidence of Mr. Patrick Finn, a Carlow gentleman, and himself a Roman Catholic. He is asked,†

"*Q.* Having had long acquaintance with Ireland, are you prepared to state that in that part of the country which you know, the present state of agitation or crime is at all to be attributed to a neglect of duty on the part of the landed proprietors?—*A.* I do not conceive that any of the crimes arise from that cause; I do not perceive any abandonment of duty on the part of the landed proprietors. With respect to those who come within my circumscribed sphere in the county of Carlow and the adjoining counties, I know of no instance which would provoke that dire hostility that has been manifested towards them. Tenants have been removed; but it has arisen in a great degree from their own fault, from their being bad husbandmen and bad tenants, and owing great arrears of rent; but I am not aware that there has been any degree of severity used by the landlords in my neighbourhood. *Q.* To whom as landed proprietors do you refer?—*A.* I may instance the county of Carlow. Your Lordships have all heard, I suppose, of Mr. Kavanagh, of one of the oldest families in the kingdom, and uniformly admitted to be the best landlord in Ireland. How was he treated, because he, in fact, took upon him to form opinions upon political matters not in unison with the views of the parish priest residing on his estate? he has been held up as an object of public detestation. And, in fact, it is to me a matter of astonishment how in any country pretending to civil liberty such things could have occurred. *Q.* Are you telling the Committee

* Vide Q. 9,966, 7. † Vide Q. 10,667 to 9.

this from your own knowledge, or from hearsay?—*A.* From my own knowledge; and so great was the attachment of his tenantry to him, that though they have been denounced from the altar, and though they have been dragged out of chapel, notwithstanding a great majority of them voted for him."

We shall not multiply instances upon this point. We do not wish to deny that in past times the Irish peasantry have suffered much from the neglect of the landlords. But even then their sins were more of omission than of commission. Dishonest agents, and frequently Jews and peculating attornies, to whose tender mercies the embarrassment of absentees compelled them to trust the management of their estates, were the real authors of these distresses. The landlords themselves were just as much their victims as the tenantry. But we hope and sincerely believe that those days are gone by for ever, and we do not hesitate to say, that at the present moment there exists more of the old feudal feeling of attachment between landlords and their tenantry in Ireland, where they are exempted from corrupt influence, than in any other part of the British empire.

If, then, the present distracted state of the country is not to be attributed to misconduct on the part of the proprietors of the soil, our readers will naturally ask, to what is that state of things to be ascribed? We boldly answer, to the character and pernicious influence of a narrow-minded and bigoted clergy, and to the continual

agitation kept up, with their assistance, by demagogues, for the purpose of forcing themselves into power, and of filling their pockets, like other impostors, by taking advantage of the weaknesses of their fellow-men. We shall consider each of these causes separately: and first, with regard to the priesthood.

We cannot help remarking of the present condition of the Roman Catholic clergy in Ireland, as compared with former times, that in all the essential requisites to constitute a body of men fit to take the lead among an ignorant population, and conduce by their precepts and example to the improvement of their moral condition, they have greatly deteriorated of late years. And this result is manifestly to be attributed to the institution of the College at Maynooth. Formerly, candidates for orders in the Roman Catholic church, were educated abroad. They went either to Rome, Madrid, or some other seminary on the continent. They there received a sound classical education, and their course of study was attended with just sufficient expense to prevent the great body of the priesthood from being chosen from the dregs of the people. They came back with the feelings of gentlemen; they were often of good families; their acquirements were equally removed from shallowness and pedantry; and in many instances they were not only useful members of society, but men of cultivated minds, and enlarged ideas.

Since the unfortunate establishment of the College at Maynooth, the case is very different. The charges of a college course are a mere trifle; hardly anything, in fact, beyond the mere expense of subsistence. The students there are chiefly taken from the lower orders; and it is by no means an uncommon circumstance for the son of a small farmer or shopkeeper to be sent there, and return, after going through his course, to become priest of his native parish. He has no opportunity of imbibing even the manners, much less the feelings of a gentleman. His natural inclinations lead him to prefer the society of his equals, but, even if such were not the case, he is totally unqualified to appear at the tables of the higher orders. The course of study pursued at that college, is not such as to expand the intellect. The pupil is engaged for nine hours a day in the exclusive study of controversy. He learns nothing of general literature; and the efforts of his teachers are directed, not to make him a sound divine, but an artful logician; not to encourage him in a search after truth, but to initiate him in all the mysteries of a prevalent delusion, and to foster his natural astuteness by constant exercise.

"Have you the means," Mr. Uniacke is asked,* "of stating the difference between the priests educated abroad and at Maynooth?—*A.* I can only speak from my observation. As the priests are selected from, I will not say the

* Vide Q. 6,535 to 8.

very lowest order, but the next grade, the habits they imbibe, and the system which I understand has been followed at Maynooth, has had a material effect upon their feelings, different from that of the clergymen of the Roman Catholic Church who were educated abroad."

The very fact of the low origin and the stilted education of the men who are destined for the service of the ministry in Ireland, is sufficient to account for the facts that we are about to relate. They are not only totally unfit to guide public opinion; they are nothing but adventurers, trained to live by their wits; and, with a very few exceptions, they are totally ignorant of the commonest observances of civilized society. It is notorious that the influence of the priests over their flocks is turned, in all parts of the country, to the furtherance of the political views of their party. Major Warburton states, that he has often received informations in his Police Reports, that addresses had been made by priests *from the altar*, recommending the course that the people were to adopt at an ensuing election.* To give an idea of the extent to which priests allow their feelings to carry them upon political subjects, and of the open carelessness with which they avow them in public, we give a remark made by a priest to Captain Despard, in a public coach. They were speaking of the state of the country, sitting opposite to one another in a crowded caravan, and the priest said :—

* Vide Q. 862 to 872.

* "The country is quiet, and the country will remain quiet until those rascals Peel and Wellington come into power again, and *then we will treat you to such an upset as you never saw in your life.*"

Mr. Barrington, too, says that he has known "a priest take part in every agitation in the county of Limerick," and that it is generally the case that the priests agitate in great numbers.† Mr. Tierney, Crown solicitor at the Longford assizes, mentions a case of a priest making signs to a witness, who was giving evidence which was likely to tell against the prisoner, but upon receiving that sign he instantly became sullen in his answers, and there was no conviction obtained. The priest was desired in consequence to leave the Court.‡ Mr. Geale states, that in the flagrant case of conspiracy, and suborned perjury against Slye at Carlow, to which we have already alluded, he saw, he thinks, "twenty priests in Carlow," that "they were very much interested in it, and they were very anxious to challenge the Protestants upon the jury."§ Capt. Warburton is asked:

|| "If a tenant votes with his landlord against the liberal party, the priests and agitators, is he a marked man in the county?—*A.* I think he is, certainly. I have heard a priest himself say he would mark them, and put the black mark upon their forehead; I have heard them repeatedly state that they would do so, and put their names in a black

* Vide Q. 4,042. † Vide Q. 7,476 to 7,481.
‡ Vide page 647 and Q. 9,281 to 3.
§ Vide Q. 8,749, 50. || Vide Q. 9,591, 2.

list, and so on; a list with a black edge published next day. *Q.* Do you think the tenants would give a vote as their landlords wish, if it were not for the interference of the priests and agitators?—*A.* I think they would, and that they would be more comfortable if they did so."

Mr. Finn, a Roman Catholic, who, in consequence of his having voted for the Tory candidates in Carlow county, and of having served on the jury that acquitted Slye, had not been able to attend chapel for many years for fear of being openly assailed by the priest, states that he has often heard Roman Catholic priests at elections addressing the mob in most inflammatory language, the natural result of which must be, "to excite them to a very high pitch of passion and angry feeling towards their friends and towards their landlords."* "The lower orders," says he, "are in fact only the mere puppets in the hands of the Roman Catholic clergy,"† and then he states with regard to himself:‡

* "If I had been a man in any sort of professional business, or embarked in trade or commerce, it would be my total ruin; for I have known instances of men who have been totally destroyed in consequence of having the manliness to think for themselves, and to support one candidate in preference to another of the priest's nomination."

It appears too, from the evidence of this gentleman, that there was a newspaper in Carlow, up to May 1839, called the *Leinster Independent*, of

* Vide Q. 10,640 to 4. † Vide Q. 10,662.
‡ Vide Q. 10,665.

which the priests of that town were the sole editors and chief contributors. They were not its ostensible publishers, but the fact of their being chiefly concerned in it was "publicly known." At the death of Mr. Kavanagh, and "when he was only on the last throe of life," there appeared in this paper the Report of a speech delivered by Mr. O'Connell, denouncing him as "an apostate to his religion, and to his country, and that they ought to throw dead dogs into his grave."*

In the evidence of Mr. Cahill there is allusion made to a dinner given to Mr. O'Connell in the town of Thurles, in November 1838. On the 28th of the previous October, Mr. O'Keefe had been murdered. The following expressions are stated to have been used by Mr. Laffan, a priest, at that dinner.†

"There is no man who abhors the crime of murder more than I do; but I know that those murders and outrages are the offspring of oppression. Yes, my Lord, it is easy to give a country a bad name, and say it is disturbed. I can tell your Lordship that there are savages in broad cloth as well as in frieze. It may not be believed by men like your Lordship, who have kindly hearts in their bosoms, but what would your Lordship think of the man who would go to the cabin, turn out a woman on the eve of childbirth, and who afterwards was delivered in the open air. What, my Lord, must be the feelings of the husband of that poor woman? Such scenes, my Lord, are not of unfre-

* Vide Q. 10,670 to 10,686. † Vide Q. 13,450.

quent occurrence in this country; and is your Lordship astonished that there should be reprisals?"

The witness states his conviction, which must be that of every person who peruses the above sentences, that a speech of this kind would have a tendency to induce excitable persons to commit crime, and the infamous bearing of such a speech is increased a thousand fold when it is borne in mind that Mr. O'Keefe's case was the one alluded to.* But these persons, who by an unprecedented misnomer have assumed the sacred title of ministers of religion, are not content with prostituting their sacred calling by a mere announcement of their political acrimony in secular assemblies; they must needs profane the holy precincts of the altars dedicated to the worship of a just and merciful God, by the most vile and brutal denunciations against all who are not willing to be subject to their caprice, or who conscientiously differ from them either in religion or politics. The evidence before us abounds in cases of this description, of which we shall select a few in proof of our statement. There was a gross outrage committed by a party of eight or ten persons upon a respectable family in the County of Westmeath, on account of their taking a plot of land from which a Ribandman had been dispossessed.

"With a great deal of pains," says Mr. Rowan, "and a great deal of trouble, I succeeded in inducing the indivi-

* Vide Q. 13,446 to 13,459.

duals to prosecute the parties, and they were prosecuted accordingly. Three of the offenders were sentenced to transportation for life, and transported. The persons against whom the outrage was perpetrated, several of the family, the father and two sons, afterwards came to me to state that they had been denounced by the priest from the altar immediately upon their return home; that their neighbours and friends, and the entire community about them, were directed to hold no communication with them; that they were approvers, blood-money takers, and perjurers. Those words were taken down by me."*

The consequence was, they were avoided by every person in the neighbourhood, and their lives were considered in such danger that policemen have been stationed in the house for their protection ever since.†

"The previous enmity in this case," says the witness, "was in consequence of his having interfered with the land of another family; the second cause of enmity, the conviction of the offender; the last cause, as sworn by him, or by the person giving me the information referred to, or both, was the priest's denunciation."

The unfortunate Lord Norbury was denounced from the chapel some weeks previous to his murder, together with Lord Charleville, and Mr. Uniacke, and *communication was made to the Government to that effect.* The denunciation of these gentlemen was couched in general terms. Their names were not mentioned; but they were described in a manner that could not be mis-

* Vide Q. 2,094. † Vide Q. 2,097.

taken, and the denunciations were made in the shape of an address to the people by the priest from the altar.* A Mr. Brabazon, a respectable Protestant yeoman, was murdered in the county of Westmeath, in November 1838. Mr. Kelly, who mentions the case, states, with reference to that murder, which excited much horror at the time, as the victim was a most inoffensive person,†

"I had heard before that he had been spoken of from the altar by the parish priest; but on the morning of the murder, the moment I heard of it, I went to the house to which the poor man was carried; he was not dead at the time; I spoke to the people, there were a great many there, of the barbarity and atrocity of the outrage. On my return home, walking along the road, a Roman Catholic was with me,—a very respectable person,—and, naturally enough, we were talking of this murder, and the expression the man used to me I thought a very strong one; said he, 'If I was on a jury to-morrow I could not acquit the priest of the parish of being connected in some way with the transaction, inasmuch as he had spoken against him from the altar."

Mr. Uniacke, whose personal wrongs at the hands of the priests we have already related, is asked,‡

"*Q.* Will you define the word denunciation?—*A.* As it is understood there, it is the priest holding up any individual to the contempt or revenge of the people of the country; it is used in both ways. *Q.* Is it oftener used by way of contempt or revenge?—*A.* It is used as it suits each purpose. *Q.* By contempt, you mean violent abuse of the person?—

* Vide Q. 3,671 to 3,685. † Vide Q. 6,248.
‡ Vide Q. 6,503 to 9.

A. Yes. *Q.* Holding him up to odium?—*A.* Yes. *Q.* Merely calling them heretics, or anything worse?—*A.* That very rarely occurs from the altars of the chapels. *Q.* Did any thing happen in the case of —— that you are aware of?—*A.* His ploughs were broken a few nights afterwards; and there is a patrol of police now protects his house during the night and in the course of the day. *Q.* Do you consider that that man's life would be safe without the protection of the police?—*A.* I do not at present."

The following circumstance is related by Mr. Barnes, stipendiary magistrate for the county of Longford.*

" The Rev. Mr. Farrell of Killishee, in an address to his parishioners after divine service, on a Sunday, stated, that he had observed a notice upon the gate of the chapel as he was coming in, from a person of the name of Muntford, that he was ready to take in cattle to grass. The priest stated, that he desired his people not to send their cows to graze with Mr. Muntford; that if they did, he hoped they would take the murrain and die. He also stated that he had heard that a man, I think of the name of David Smith, had taken the land of the Widow Coran, or some such name; and that he had offered to set land in Conacre; he desired none of his parishioners to take Conacre from David Smith, for if they did they should have his curse. This circumstance was reported to me by the chief constable, who had it from two Roman Catholic constables who were present at the service. Immediately on receiving this, I sent it forward to Government, and received the opinion of the Attorney-general that it was a misdemeanor, with the Attorney-general's directions to take the informations of the constables, and to summon the priest to the petty sessions. I did so; the constables

* Vide Q. 11,953.

supported their informations; Muntford did not come forward. Smith came forward, and proved that he had let part of his land in Conacre previous to this declaration of the priest; but that subsequent to that declaration persons who had agreed to take the land had declined to enter upon it."

This priest was ordered to be prosecuted for the misdemeanor by the Attorney-general, but he had not been tried at the time when the witness spoke.

Mr. Finn is asked,*

"*Q.* Have you ever heard of officers being obliged to march their soldiers out of the Roman Catholic chapel in consequence of the violent language of the priests?—*A.* I have heard so, but I am not aware of that of my own knowledge. *Q.* Do you believe that that is the case?—*A.* I believe that instances of the kind have occurred, but I was not present at the time."

These cases will, we think, be sufficient to convince the candid reader, that at least a certain part of the crimes, and particularly the agrarian outrages, by which Ireland is disgraced, are to be traced to the agency of the priesthood.

We now turn to what we consider to be the other great leading source of evil, namely, agitation. The tendency of agitation is to induce the ignorant and credulous to suppose grievances where none really exist, and where they would have discovered none had they not been put into their heads by others. This system naturally tends to confer much power and influence upon those who

* Vide Q. 10,704.

create it, and in proportion to the difficulty of the discovery, is the merit of the discoverer enhanced. It is upon the face of it then that the inducement is great for men of ambition to practice their own advancement by exciting the people with bitter declamation to shake off the incubus which they have persuaded them is on their shoulders. The tithe agitation is one great example of this. For how many years, nay, centuries, have tithes been paid in Ireland comparatively without discontent, till Mr. O'Connell raised the cry against them. And yet this, perhaps, was the most plausible of all the stalking horses upon which that gentleman has reached his present position. Major Warburton distinctly states in his evidence, that if the subject of the tithe had been left to its own merits exclusively, without the admixture of politics, there would never have been any difficulty about them.* Mr. Finn is of the same opinion.†

And these sentiments are not unsupported. They are entertained, on the contrary, all over the country by men well calculated by local information and accurate knowledge to estimate aright the character of the Irish peasantry; in short, by all who are unbiassed by political rancour, or unswayed by interested views. Nevertheless, it is impossible to deny, that the agitation which has existed of late years upon the subject of tithe has

* Vide Q. 1,055. † Vide Q. 10,656.

been more productive of crime and outrage than any other circumstance during the same period. We know not whether any one would be hardy enough to assert that agitation has not, generally speaking, caused a vast amount of crime in Ireland, and must produce it wherever it exists. But, if there be such an individual, we shall endeavour to convince him that his opinion is at least not supported by the evidence before us. Colonel Kennedy says,*

"It appeared to me that all great excitement of the people in Ireland increased crime. I always had that impression upon my mind, and I was always alarmed by the report of agitation, on that account."

Mr. Faussett dates the commencement of an alarming increase of crime in Sligo from the visit of Mr. O'Connell to that county.† This witness expressly mentions three circumstances which he conceives have tended to bring about the existing state of things in that district. "First, the visit of Lord Mulgrave; second, the visit of Mr. O'Connell; and, third, the election at Sligo." The same was the result at Carlow, and what other we ask could be expected to follow such a speech as Mr. O'Connell thought proper to deliver before a numerous audience in that town. The following were his words, as reported by Captain Vignolles.‡

"'Men of Carlow, are you ready?' The reply was, 'Aye, aye,' and there was a pause. Then these words

* Vide Q. 281. † Vide Q. 2,441 to 3. ‡ Vide Q. 3,847, 8.

were distinctly and solemnly spoken:—'I am the last man to recommend the shedding of one drop of blood; but we have tried every means of obtaining our just rights, and they have failed. We have no course left us now but that which I have hitherto deprecated—the shedding of blood; blood must be shed.' There was then another pause, a lengthened pause, and then came what follows:—'My reason for now saying that blood must be shed is to prevent the shedding of blood; for if your enemies again get into power, they will shed your blood,'" &c.

The day after this speech was made Mr. O'Connell dined with Lord Mulgrave, and, although Colonel Verner has been since dismissed from the magistracy for drinking a loyal toast, "The Battle of the Diamond," the speaker of that inflammatory and highly improper oration was then, and has ever since remained, in the Commission of the Peace and Queen's Counsel.*

Mr. Hickman, Crown Solicitor for the Connaught Circuit, gives it as his opinion that, "circumstances which would tend to allay political excitement would have the effect of tranquillizing the country."† Lord Donoughmore alludes to the opinion expressed by Lord Wellesley, to which he himself perfectly assents, that crime in Ireland cannot be disconnected from agitation.‡ But it is altogether superfluous to enter at further detail into a subject which is acknowledged by all except the interested adventurer himself and the besotted dupes of his artifice. The demorali-

* Vide Q. 3,926. † Vide Q. 8,467. ‡ Vide Q. 12,080, 1.

zing effects of agitation in Ireland are to be found in every newspaper whose columns are filled from day to day with the melancholy calendar of cruel outrages upon the innocent, and the unaccountable impunity of the felon and the assassin. Those who make it their business to excite popular frenzy have indeed much to answer for. Surely it is a sin of no trifling magnitude to sacrifice the happiness of our fellow creatures to selfish aggrandizement, to damn the souls of thousands of immortal beings, who have been plunged into error, to gratify the sordid thirst of filthy lucre, or the restless cravings of ambition, which govern the breasts of a few unprincipled demagogues and upstart adventurers. It is a fine thing to have the power of influencing others to obey our will, but it is a talent which, if misused, will entail an awful retribution hereafter upon him to whom it is entrusted. It involves more of good or evil to mankind at large than any other of the numerous attributes by which genius is distinguished.

There is now only one more point to which we shall direct the attention of our readers; and that is the Government appointments and dismissals during the period to which the Report before us refers. We cannot help attaching much importance to this part of the subject, because it is impossible for any Government to execute properly any of its functions if its proceedings

towards its subordinate officials are not characterized by discretion as well as by a principle of fair and upright dealing. Let us see whether either of these two qualifications are to be found in the case in question. And first as to discretion:—

Colonel Shaw Kennedy was appointed in the year 1836, at the express solicitation of the Government, to be Inspector-general of Police in Ireland. It was a new office, and this gentleman was selected to organize the police force on an entirely new system then set on foot. It is palpable that no man could hold such a situation with honour to himself or advantage to the public unless considerable confidence were placed in him. For instance, to insure to him as commanding officer a sufficient degree of respect from and influence over his subordinates, it seems becoming that applications for appointments in the force should be made through the Inspector-general, that inquiries as to the eligibility of candidates should be made by him, and that at least no persons should be admitted into the force *contrary* to his recommendation resulting from such inquiries.

To show how far this fair, and, in fact, indispensable discretion was refused to Colonel Kennedy, in the difficult position in which he was placed, by no request or wish of his own, but at the desire of the Government itself, we quote

some extracts of the statement which that gentleman read to the Lord-lieutenant, of the reasons which induced him to resign his post, in 1838, after two years of most efficient service.*

" When I came to Ireland, the appointment of officers to the force under the new arrangement was much discussed, and, without any thing more specific taking place upon the subject, it was agreed upon by your Excellency that I should inquire into the characters of the officers of the army who were applicants, making inquiry through the general officer, &c. When I returned from my tour of inspection, your Excellency mentioned to me to name those whom I thought most eligible, and I gave in a list, both to your Excellency and to Lord Morpeth, of the promotions which I thought should, in justice to the force, take place, and also the names of the officers of the army who, as the result of that inquiry, might be introduced into the force. The recommendations which I made, and which I considered I did by desire, and merely in justice to the force, were not adopted. [Here a particular case was alluded to, of an officer being introduced into the force contrary to the express result of my inquiry.] Of the eighteen appointments to the situation of paymaster, I recommended that six should be from the chief constables of the force; and of the stipendiary magistrates, of whom the appointments had been increased to between fifty and sixty, I proposed seven appointments from sub-inspectors. Not one of the appointments that I thus proposed was adopted from the force, nor of the military officers I recommended. I only recommended some military men for appointments, on the grounds that the force would have otherwise got promotion by my proposal; but although the promotions which I recommended in the force were not given to officers of the force,

* Vide page 5, 6.

military men were introduced into it, of whom I knew nothing. Of the seven sub-inspectors whom I recommended for promotion to the situation of magistrate, not one of them has yet been promoted; junior officers as well as strangers have been put over them; and there is one recent case I may name, that of Mr. ——'s appointment over the seven, he being a very junior sub-inspector, and he is now placed over one of the oldest and best officers of the force. [The name of that officer I also omit.] The recent appointment of Mr. —— I may also mention; he stood only third on my list, and he was promoted to be sub-inspector over older officers; and I was written an indignant remonstrance by an officer, which I could not reply to. Those appointments placed me in the situation of being looked upon in one of two lights by the force; either that of not doing justice to the officers, or that of being a total cypher. I consider that by the Constabulary Act the orders and regulations as to stipendiary magistrates should be issued by the Inspector-general, and that this is a point of the most vital importance, as without that power the Inspector-general neither can have the management of the constabulary force, nor can he know the state of the country; without that authority the power of the Inspector-general is paralyzed, as the stipendiary magistrates, acting totally independently of him through the Under Secretary, may direct the operations of the force without his knowledge. As an instance, in the great search made recently in the county of Mayo for arms, I never heard of it until it was over, nor until the magistrate was thanking the constabulary force for their conduct and exertions on the occasion. This was one of the first points which I spoke to your Excellency upon. I laid the matter before you, both in writing and verbally; and the decision come to altered in a most important manner the character and situation of the Inspector-

general. In the first trial of Captain Gleeson, his case was decided without my being asked any thing on the sentence, and the proceedings were not shown to me previous to the sentence being passed. I preferred seven charges against him. Your Excellency approved of their being tried by a constabulary court; you afterwards thought that a trial would probably be unnecessary, as the case was so bad that he might be dismissed without further trial. With this latter view I sent him the charges for his answer upon them. The whole case took now a different turn, and was put into a new shape; it was sent to the law officers, upon a plain set of accusations, alleging improper conduct as a matter of discipline, on which no law opinion could be wanted. The trial was laid aside altogether. I had announced the charges to Captain Gleeson; it was known that I had preferred the charges against him. I told him in my office that they were preferred against him; and I could not remain in the force with Captain Gleeson after what had passed, without the matter being brought to the issue of a trial. Head-constable Healey's case was decided upon without my being left to give any opinion upon it at all."

Colonel Kennedy afterwards details the reasons upon which the recommendations were in several instances founded, which were nevertheless so completely disregarded by the Government, without their even paying him the poor compliment of communicating to him the grounds of their proceedings. He concludes his evidence with two most impressive answers, which, as they show the feeling excited by the conduct of the Government in the bosom of a man of unblemished reputation, of conscientious integrity, and one of the most

useful public servants that Ireland ever possessed, we quote entire:*

"*Q.* Are the Committee correct in supposing that your feeling was not merely that the conduct of Government towards you during the period you held office, made your holding it personally disagreeable in itself, but that that conduct impeded the public service?—*A.* I have stated the whole of the case to the Committee, and as to impeding the public service I must leave that part to the Committee to judge. As to my feelings upon the subject, I was quite determined to leave the situation; my own feelings would not allow me to remain; and the manner in which I made the resignation was such as left no doubt of that. I not only resigned to the Irish Government, but sent it also here, and informed my friends that it was done deliberately and after consideration. In my communication to Lord John Russell I stated that it was after calm consideration. *Q.* Do you not think that, under the circumstances of your appointment, you were bound not to allow a slight circumstance to induce you to resign so important and confidential a situation?—*A.* That is the reason why I allowed the thing to go on as long as I did. I certainly was in doubt in the progress of the thing; when I found that those appointments I proposed were rejected, and when I found that the promotions were not going exactly according to my recommendation, I began to feel that it was very doubtful whether I should not resign; but having undertaken the charge of the organization of so large a force (say 300 officers and 8,000 men, speaking generally of the numbers), a force so important to Ireland in all respects—a force creating an expense of 400,000*l.* a year, or thereabouts, and a

* Vide Q. 559, 560.

force in the exertions of which life and property in Ireland were very much concerned, I thought that, having undertaken the organization of that force, I was bound, unless under very strong circumstances, to continue it, even with a personal sacrifice of feeling."

So much for discretion. Now let us see whether fairness has been more attended to.

Mr. Kemmis states, that, in 1834, there were four Crown lawyers on the Leinster circuit, Mr. Scott, Mr. Smith, Mr. O'Dwyer, and Mr. Plunkett. At that time they were reduced to two permanent, and two auxiliary; and at present Mr. Scott and Mr. Sausse are the permanent, and Mr. Dixon and Mr. Porter auxiliaries, Mr. Smith and Mr. O'Dwyer having been dismissed. As Mr. O'Dwyer is stated to be a good lawyer, and to have been much senior to Mr. Sausse; and as Mr. Smith's practice, when compared with Mr. Sausse's, is stated by the witness to be "a hundred to one in favour of Mr. Smith," one might be at a loss to discover the reasons of this change having been made in Mr. Sausse's favour, very much, as one would suppose, to the detriment of the Crown clients, were it not for two little questions which inform us that Mr. O'Dwyer is Conservative, and Mr. Sausse a Radical. This explains the whole transaction, and proves it to be a gross piece of favouritism, which appears the more glaring when we are informed that it is

quite contrary to usage to change the Crown lawyers on a circuit.* To explain a similar case we must revert once more to Corrigan, the perjurer. It will be recollected that that individual was a policeman. In order to arrange satisfactorily an awkward discrepancy in the evidence he was to give, he endeavoured to induce his sergeant, a man of the name of Patterson, to alter a certain date in the diary kept by him at the Police-station. Patterson knew the entry was right, and refused to do so. Corrigan was, as we have before related, convicted of perjury. But, strange to say, Patterson *was dismissed from the Police by the order of Government.* Although he repeatedly applied for an inquiry into his conduct, no cause has ever been assigned for his dismissal, and the reason stated by Sir John Harvey, in answer to his memorial, as that which prevented the possibility of his *making any application* in his favour is, that "he was dismissed by the express orders of his Excellency the Lord-lieutenant.†

The next case that we shall quote, is one that occurred in the town of Clonmel. That town is governed, it seems, in local matters, by a board of twenty-one commissioners, elected under the 7th of George the Fourth. There are many wealthy merchants in the town, but none of these have ever been elected, except in one instance,

* Vide Q. 8,000 to 8,027. † Vide page 630, 1, 2, 3.

the whole of the commissioners being chosen from the class of small shopkeepers. Among the rest was one Dennis Walsh, a small publican. This man had been twice convicted by the magistrates of selling spirits at illegal hours, and once was tried for robbery, but acquitted. The street conservator, the chief witness against him in the former cases, states, that Mr. Dennis Walsh, and some of the other commissioners, had told him, that he was "a rascally informer, and that he deserved to have the coat dragged off his back." It is curious enough, that these very commissioners had put the witness into his office. It will hardly be believed that this Dennis Walsh has been since made *Chief Constable of Police*, and a grand dinner was given him by his friends in Clonmel, on the occasion of his appointment.*

The cases are so numerous of the opinions of Lord-lieutenants of counties being disregarded in the appointment of magistrates, that we cannot forbear to relate one instance, the gross partiality of which is rendered more flagrant when we consider the treatment which Colonel Verner, Mr. Blacker, and other magistrates of opposite politics have experienced. A man of the name of Leonard Keating was with others indicted, "in the year 1832 in Clonmel, for tumultuously assembling to obstruct the course of law in the collection of tithes." This man, though possessed of no pro-

* Vide Q. 908, 9, 10; also page 940.

perty, and not moving in the rank of a gentleman, was placed in the commission of the peace in 1837 by the Lord Chancellor, in spite of the strongest remonstrances from the Lord-lieutenant of the county. The reasons stated by Lord Donoughmore for those remonstrances are as follows:*

"I stated to the Lord Chancellor that I objected to Mr. Keating; first, because I considered him not at all that description of man from which the magistracy of the county ought to be selected; not moving among the rank of gentlemen, and not on the grand panel of the county; and that I had known him for many years attending every sort of meeting against the collection of tithes; and I had also another strong reason as Lieutenant of the county for objecting to him; that was, a notification made to me by some of the magistrates that they would not act with him; that they were not in the habit of associating with such persons, and they begged I would not recommend him."

Besides all this, Mr. Keating was a Repealer.

A curious instance is mentioned in the evidence of Mr. Drummond himself of the appointment of a person to be stipendiary magistrate without adequate inquiry as to his previous life. A Mr. Esmonde White was appointed to that situation in the beginning of 1839, and it is worthy of remark, that, although the regulation is that no one should be appointed to such a post who is beyond the age of thirty-five at the time, this gentleman was upwards of sixty. It appears from the evidence that this person had some time previously been im-

* Vide Q. 11,982.

prisoned and fined for smuggling, and his vessel confiscated. Mr. Drummond states that he heard a rumour of this, but made no inquiry. It is almost unnecessary to state that this Mr. White is a partisan of the Government. It does seem surprising to us that they should have transgressed the regulation to appoint a man against whom such a "*rumour*" was afloat. Ignorance, more especially when it is wilful, is surely no excuse for a bad appointment.*

There are many other instances of what we can call by no other name than the prostitution of Government patronage to party purposes, for which we must refer our readers to the evidence of Mr. Drummond. Such as the case of Mr. Blake of Sligo, dismissed from the magistracy without any sufficient reason; or of Slattery and O'Brien; the former a bankrupt whisky-seller, who was made chief constable of police because he was brother to a Roman Catholic Archbishop; the latter an apothecary at Cashel, who, as a reward for his exertions in favour of the Radical member for that borough, was made a stipendiary magistrate.† This Slattery was above the age fixed by the regulation, and Mr. Drummond remarks, that, in that instance, he thought it "advisable to depart from that regulation, for the sake of introducing a relative of a Roman Catholic prelate" into the constabulary.‡ The character of the individual him-

* Vide page 994, 5. † Vide page 997 to 1,001. ‡ Vide Q. 13,090.

self, who was at the time distinctly stated to have been a fraudulent bankrupt, was to be overruled by the consideration of his fortunate relationship to a Maynooth dignitary. We now understand the principle upon which so many of the Plunkett family have been pensioned off upon the public, and, in truth, a most philosophical principle it is.

There are also many other appointments alluded to in the evidence of Mr. Drummond,* but of these there is only one to which we shall further allude; and that is the appointment of a Mr. Power, a member of Mr. O'Connell's General Association, and who had taken a very active part in the repeal and tithe agitations in the county Tipperary, to the office of filazer in the Court of Exchequer; a situation worth 800*l.* a year. It was in that court that all tithe suits were necessarily brought, and the appointment of a person who had taken so strong a part in tithe matters, and had been so prominent in opposing tithes, must naturally have the effect of giving the suitors the idea that the Government was not hostile to the resistance made to tithes, or, in other words, that they wished to throw discouragement upon them in the fair prosecution of their rights against the breakers of the law.† We must say that this appointment, made, as it was, at a time of great disturbance upon the very subject upon which the individual promoted had made himself conspicuous, was "a

* Vide page 1,224 to 7. † Vide page 1,228.

heavy blow and great discouragement" to the due execution of the law.

We might quote many other cases of similar jobbing: especially one mentioned by Sir W. Somerville;* and several by Mr. W. Forde;† but we will not trouble our readers with their details.

It is impossible, however, to dwell upon these numerous instances of partiality in the distribution of appointments without being struck by the laughable extent to which they have prevailed. They prove, in our opinion most clearly, that in appointments to minor offices neither the fitness of the person for the situation as respects efficiency or previous character were ever for a moment considered. Political partizanship was the only standard of merit: and a long life spent in active resistance to the laws was considered as no disqualification to any individual being placed in a responsible situation with regard to their due execution.

Having now gone through the principal circumstances of the Report before us, and compressed, as far as was possible, without weakening each case, the various important features of this inquiry, it only remains to draw the attention of our readers to the results of our investigation.

1. We have found, in the first place, that secret and organized societies prevail all over the

* Vide page 1,266. † Vide page 1,276, 7, 8.

country; and although their exact extent and many parts of their frame-work are still undiscovered, or at least uncertain, still in no case do their apologists attempt to assign any useful motive or reason for their existence, while those best acquainted with their nature and working, one and all stigmatize them as destructive of peace and order, and most dangerous both to the life and property of those who refuse to connect themselves in their iniquitous bonds. These societies, in short, wear the air of a formidable conspiracy of the most degraded and desperate men, to dismember the State, to subvert the Protestant religion, and to overturn the foundations of property. As long as it was practicable so to do the heads of the Irish Government found it convenient to deny the *existence* of this conspiracy. This has now been incontrovertibly proved out of the mouths of their own officers. They find it necessary therefore to shift the ground of their defence. With a reckless disregard of what may be the issue of such short-sighted obstinacy, they now declare, that it is so insignificant in extent, and so desultory in its objects, as to be unworthy of the serious notice of the public officers. But, notwithstanding all this lofty disdain on the part of the executive, we have given ample proofs, and might have given many more, as to the fearful results of that much contemned combination. Crimes the most dreadful and

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"*Q.* Are the Committee correct in supposing that your feeling was not merely that the conduct of Government towards you during the period you held office, made your holding it personally disagreeable in itself, but that that conduct impeded the public service?—*A.* I have stated the whole of the case to the Committee, and as to impeding the public service I must leave that part to the Committee to judge. As to my feelings upon the subject, I was quite determined to leave the situation; my own feelings would not allow me to remain; and the manner in which I made the resignation was such as left no doubt of that. I not only resigned to the Irish Government, but sent it also here, and informed my friends that it was done deliberately and after consideration. In my communication to Lord John Russell I stated that it was after calm consideration. *Q.* Do you not think that, under the circumstances of your appointment, you were bound not to allow a slight circumstance to induce you to resign so important and confidential a situation?—*A.* That is the reason why I allowed the thing to go on as long as I did. I certainly was in doubt in the progress of the thing; when I found that those appointments I proposed were rejected, and when I found that the promotions were not going exactly according to my recommendation, I began to feel that it was very doubtful whether I should not resign; but having undertaken the charge of the organization of so large a force (say 300 officers and 8,000 men, speaking generally of the numbers), a force so important to Ireland in all respects—a force creating an expense of 400,000*l.* a year, or thereabouts, and a

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* Vide Q. 559, 560.

ulcerous place," boasting of the pretended tranquillity and prosperity of a nation which is, on the contrary, torn by intestine commotion, and the respectable portion of whose inhabitants are daily driven to emigrate for want of that protection to their properties and lives which the miserable imbecility of the government forbids them to hope or to expect at home.

5. Lastly. We have inquired, not only into the existence and effects of crime in Ireland, but also into its causes; and we hope we have succeeded in making it as clear to others as the diligent perusal of the evidence has made it plain to ourselves, to what the condition of Ireland at this moment is to be ascribed. We have exposed the mischievous effects of agitation upon the peculiar disposition of the Irish people; and the interested motives of demagogues and adventurers in inventing grievances which were never looked upon as such, till their unprincipled interference awakened all the evil passions of an excitable population. We have endeavoured to describe the position assumed by the priesthood, and their peculiar unfitness, from a thousand causes, for the responsible task which they have taken upon themselves of leading the public mind. On the other hand, we do not know that there is one single witness in the whole course of the inquiry, who ventures to lay any portion of blame upon the present landholders in that country. The evidence, on the

contrary, uniformly tends to prove, that, whether resident or absentee, they are exemplary in the performance of the various duties which they owe to their dependents. As far as the example and influence of landlords can counteract the prevailing habits of a crowded and superstitious population, they are endeavouring to do so. Up to the enactment of last session, the Irish Poor Law, the whole weight of the support of the poor was, in a manner, thrown upon the resident landlord, and under these circumstances we have no doubt that they would have gained all the credit that they have lately deserved for their numerous efforts towards improvement, if it were not for the vociferous clamour of those who make it their business to cry down all who are better than themselves, and who, from interested personal motives, are prone rather to dwell upon what has been left undone, than to suffer it to be perceived how much has already been accomplished. It is to the unceasing efforts of the landlords of late years, to which the great improvement in the value of land, in spite of every disadvantage, is to be attributed. The class of middlemen is daily becoming less numerous throughout the country; and it is because Ireland is in this transition state that many circumstances wear the appearance of harshness and injustice, which are really the result of stern necessity. To illustrate this state of things, which is by no

means sufficiently understood in England, we have given, at some detail, the case of Lord Lorton. There are hundreds of similar cases to be found all over the country; and these may easily be laid hold of by persons who wish to bring odium upon those whom they dread and hate, by showing only one side of the picture, and by harrowing the feelings with well-wrought statements of houseless widows and starving orphans. The question is one which unfortunately precludes the consideration of compassion for individuals. And when we say this let us not be misunderstood. We are fully alive to the distresses of poverty. But the question at issue is neither more nor less than the broad one, whether Ireland is to make one vigorous struggle for great future improvement, even at the expense of serious present hardship in certain cases, or whether she is continually to retrograde in wealth and internal prosperity, because it is impossible for any to advance in the race, without many others being left behind. But we are diverging into the consideration of a great question of political and social economy, which, although not foreign to our subject, we must not discuss in this place, as it is altogether too important to admit of a cursory review, and would involve many other considerations of equal magnitude. Did our limits permit, it might be useful to analyze the results of the position of Ireland with regard to her stronger

neighbour, the difference of races among her population, the moral influences of the creeds professed by various portions of her inhabitants, the physical temperament by which they are characterized, and various other matters which must always have considerable influence in determining the statistics of crime. But this we must reserve for a future opportunity.

To conclude. We once more earnestly entreat the attention of Englishmen, of all sects and all political opinions, to the important facts and unexpected disclosures which the Report before us has brought to light. Let them remember that the same governors who have thus misruled Ireland, are still at the helm of the State, and that if they do not wish that England herself, and the mighty empire of which she is the centre, should be degraded in the eyes of foreign nations and in her own, and should cease once and for ever from holding, as she has done for so many years, the balance of power among the nations of Europe, she must at once cast from her her weak and imbecile rulers and establish, by the irresistible force of that public opinion which she has ere now more than once expressed, the ascendancy of able and high-principled men, whose talents are equal to the task of controlling the discordant elements of internal faction, and of suppressing the mischievous ebullitions of sedition, whose principles are inseparable from the maintenance of the na-

tional honour abroad, and the national respect at home, and who have shown that they have the courage to resist wrong and to uphold right, whatever may be the consequences of such a course to themselves.

It is useless for any nation to attempt to maintain a relative position among other powers if the reins of Government at home are held in a loose and feeble grasp. How can the circulation be healthy if the lungs be diseased? A nation in such a predicament is in the condition of a chess-player, who, busy in an attack, is careless of his own game, and is surprised to find himself checkmated one move before he had hoped to have produced the same result upon his opponent.

THE END.

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